
Master Analysis

Part 3

the cost of remediating environmental pollution of groundwater without regard to whether the property above the groundwater is owned by the political subdivision.

*** ANALYSIS FROM -0866/P1 ***

LOCAL GOVERNMENT

OTHER LOCAL GOVERNMENT

Under current law, regional planning commissions (RPCs) may be created by the governor, or by a state agency or official that the governor designates, upon the submission of a petition in the form of a resolution by the governing body of a city, village, town or county (local governmental unit). A hearing on the petition is also required unless the governing bodies of all of the local governmental units in the proposed region join in the petition. The governor may also create a RPC if the governing bodies of local governmental units that in combination include more than 50% of the region's population and equalized assessed valuation of property consent to such a creation. Currently, there are eight multi-county RPCs in the state, one RPC that consists only of Dane County and five counties that are adjacent to Dane County and are not in a RPC.

Generally under current law, the membership composition of RPCs is specified by statute. If a multi-county region does not contain a 1st class city (presently only Milwaukee), however, the local governmental units that constitute the RPC may determine the membership composition by resolutions passed by a majority of the local governmental units in the region that contain at least half of the population of the region. If such resolutions do not pass, the RPC's membership composition follows the statute that applies to an RPC that contains a 1st class city.

Also under current law, the governor may dissolve a RPC upon receipt of resolutions recommending dissolution adopted by the governing bodies of a majority of the local governmental units in the region, including the county board of any county within the region, and upon a finding that all outstanding indebtedness of the RPC has been paid and all unexpended funds returned to the units that supplied them, or that other adequate measures have been taken regarding the RPC's finances.

This bill changes the membership composition of the Dane County RPC on the 31st day after the effective date of the bill, and dissolves the commission on December 31, 2001. Under the bill, all of the members of the Dane County RPC are appointed by the governor from lists submitted by the Dane County executive, the mayor of the city of Madison and associations representing third and fourth class cities, villages and towns. If the Dane County RPC has any outstanding debt on the date of its dissolution, that debt is assessed to Dane County. The bill also requires the five boards of the counties that are not in a RPC, and the Dane County board, to vote on whether they want to participate in a new multi-county RPC. If at least two-thirds of the voting counties approve, the new RPC becomes effective on January 1, 2002. The bill also specifies that the membership composition of all RPCs that are created after December 31, 2001, that include a county that contains a 2nd class city shall follow the same statute that sets the membership composition for a RPC that contains a 1st class city. Finally, the bill prohibits after December 31, 2001, the creation of a RPC that consists of only one county.

INS.
MOVE TO
Pg. 129

*** ANALYSIS FROM -0345/P4 ***

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LOCAL GOVERNMENT~~**OTHER LOCAL GOVERNMENT**~~

Under current law, town territory that is contiguous to any city or village may be annexed to that city or village under several methods. Two of the methods are direct annexation, ~~under which a petition for annexation that was signed by the required number of electors and landowners is filed with the city or village clerk, and annexation by referendum, under which a petition for referendum that was signed by the required number of electors and landowners is filed with the city or village clerk and a referendum is held and passes in the town.~~ The annexation process is initiated by the publication of a notice declaring the intention to circulate an annexation petition. The notice must contain certain information, such as the name and address of the person circulating the petition, a legal description of the territory proposed to be annexed and a copy of a scale map that accurately reflects the legal description of the property to be annexed and the boundary of the annexing city or village.

Under both of these methods, in a county with a population of at least 50,000, the department of administration (DOA) is authorized to mail to the clerks of the town and city or village involved in the proposed annexation a notice that states that, in the opinion of DOA, the annexation is against the public interest. Currently, DOA renders its opinion within 20 days after receipt of the notice of annexation. ~~DOA's opinion is based on its review of the notice that is required to be published, the legal description of the territory that is proposed to be annexed and the scale map of the territory.~~ Upon receiving DOA's opinion the annexing municipality is required to review DOA's advice before final action is taken.

Under this bill, the period of time under which DOA renders its opinion is expanded from 20 days to 60 days. The bill also states that DOA may halt the annexation process if DOA determines that the legal description or scale map is illegible, contains errors that prevent DOA from ascertaining the territory that is proposed to be annexed or do not conform to generally accepted standards for the preparation of legal descriptions and scale maps. If the proposed annexing city or village cures these defects to DOA's satisfaction, the annexation process will proceed.

~~Also under current law, if an annexation procedure results in an annexation, the clerk of the city or village which has annexed territory is required to file a certified copy of the ordinance, certificate and plat with the secretary of state. Similar filing requirements exist for territory that is detached from a city or village and attached to another city, village or town and for boundary changes that are made under a cooperative plan. The secretary of state is then required under current law to file copies of such documents with various state agencies and local governments.~~

Currently, under the direct annexation procedures, the city or village clerk is required to record the annexation ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district. If the clerk fails to file, record or send the ordinance to the required persons, the annexation is not invalidated, although the duty to file, record or send is a continuing

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~~requirement~~ Currently, an annexation ordinance takes effect upon the enactment of the ordinance.

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→ Under the bill, an annexation ordinance does not take effect until it is recorded with the register of deeds.

*** ANALYSIS FROM -1006/P2 ***

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LOCAL GOVERNMENT~~OTHER LOCAL GOVERNMENT~~

Under the current "blighted area law" cities, villages and towns (municipalities) may undertake redevelopment projects, which include the acquisition of property, to improve conditions in blighted or slum areas. Under the current "Blight Elimination and Slum Clearance Act", a redevelopment authority is created in every municipality in which slum and blighted areas exist to engage in blight elimination, slum clearance and urban renewal programs.

Such redevelopment authorities may acquire property and may also enter any building or property in a redevelopment project area to make inspections, surveys, soundings or test borings. If entry to a project area is denied or resisted, a redevelopment authority may obtain a court order to accomplish its work. Under the tax incremental financing (TIF) program, cities or villages may create tax incremental districts to foster redevelopment in blighted or slum areas.

Also under current law, if a municipality acquires property that is contaminated by a hazardous substance as part of slum clearance or blight elimination under the blighted area law or the "Blight Elimination and Slum Clearance Act", the municipality is generally exempt from clean-up requirements that otherwise apply to owners of property that is contaminated by a hazardous substance.

This bill adds "environmental pollution" to the current definition of a "blighted area" under the blighted area law, the "Blight Elimination and Slum Clearance Act" and the TIF program.

*** ANALYSIS FROM -1084/1 ***

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LOCAL GOVERNMENT~~OTHER LOCAL GOVERNMENT~~

Under current law, any person may inspect, copy or receive a copy of a public record unless the record is specifically exempted from access under state or federal law or authorized to be withheld from access under state law, or unless the custodian of the record demonstrates that the harm done to the public interest by providing access to the record outweighs the strong public interest in providing access. Applying this test, the courts have denied requests for access to some personnel records of public employes, such as home addresses of law enforcement officers. See *State ex rel. Journal / Sentinel, Inc. v. Arreola*, 207 Wis. 2d 496, 516 (Ct. App., 1996).

This bill specifically authorizes the custodian of any record of a ~~state or~~ local governmental unit to withhold from access information contained in a record of the governmental unit pertaining to the home address or home telephone number of an employe of that governmental unit.

*** ANALYSIS FROM -0772/P1 ***

Move
to

Pg 137

~~LOCAL GOVERNMENT~~~~OTHER LOCAL GOVERNMENT~~

Under current law, a city, village, town or county (political subdivision) may create an environmental remediation tax incremental district (ERTID) to defray the costs of remediating contaminated property that is owned by the political subdivision. The mechanism for financing costs that are eligible for remediation is very similar to the mechanism under the tax incremental financing (TIF) program. If the remediated property is transferred to another person and is then subject to property taxation, environmental remediation (ER) tax incremental financing may be used to allocate some of the property taxes that are levied on the property to the political subdivision to pay for the costs of remediation.

A political subdivision that has incurred “eligible costs” to remediate environmental pollution on a parcel of property may apply to the department of revenue (DOR) to certify the “environmental remediation tax incremental base” (ERTIB) of the parcel. DOR is required to certify the ERTIB if the political subdivision submits to DOR all of the following: 1) a statement that the political subdivision has incurred eligible costs, detailing the purpose and amount of the expenditures, and including certification of the department of natural resources (DNR) that the ER has been completed; 2) a statement that all taxing jurisdictions with authority to levy general property taxes on the parcel of property have been notified that the political subdivision intends to recover its ER costs by using an “ER tax increment”; and 3) a statement that the political subdivision has attempted to recover its ER costs from the responsible party.

“Eligible costs” are capital costs, financing costs and administrative and professional service costs for the removal, containment or monitoring of, or the restoration of soil or groundwater affected by, environmental pollution. Eligible costs are reduced by any amounts received from persons who are responsible for the discharge of a hazardous substance on the property to pay remediation costs and by the amount of net gain on the sale of the property by the political subdivision. The “ERTIB” of the property is the property’s equalized value as of the January 1 preceding the date on which DNR certifies that the property has been properly remediated.

Before the political subdivision may use ER tax incremental financing, however, it must create a joint review board that is similar to the current law tax incremental district (TID) joint review board, or a city or village may use an existing TID joint review board, to review the political subdivision’s proposal to remediate environmental pollution. If the joint review board approves the proposal, the political subdivision may proceed with its plan. An ERTID joint review board is made up of one representative chosen by the school district that has power to levy taxes on the property that is remediated, one representative chosen by the technical college district that has power to levy taxes on the property, one representative chosen by the county that has power to levy taxes on the property that is remediated, one representative chosen by the political subdivision and one public member.

INS.
Move
TO
Pg. 132

This bill changes current law by clarifying that the joint review board consists of one representative from each of the taxing jurisdictions that has power to levy taxes on the property in the ERTID.

Also under current law, if more than one school district, more than one technical college district or more than one county has the power to levy taxes on the property that is remediated, the unit in which is located property that has the greatest value shall choose that representative to the board. Under the bill, a similar provision is made if more than one city, village or town has the power to levy taxes on the property that is remediated.

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*** ANALYSIS FROM -1399/2 ***

NATURAL RESOURCES

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FISH, GAME AND WILDLIFE

This bill changes the fees charged by the department of natural resources (DNR) for certain hunting and fishing approvals. For hunting, the bill increases the fees for all resident hunting licenses except turkey hunting licenses and small game hunting licenses issued to senior citizens, to minors aged 12 to 17 and to certain members of the armed forces. The bill increases the fees for all nonresident hunting licenses except turkey hunting licenses. The bill also increases the fees for trapping licenses, bonus deer hunting permits and wild turkey hunting stamps. The bill decreases the fee for pheasant hunting stamps.

For fishing approvals, the bill increases the fees for resident annual fishing licenses and fishing licenses issued jointly to resident married couples. The bill increases the fees for all nonresident fishing licenses except two-day sports fishing licenses. The bill increases the fee for sturgeon spearing licenses. The bill decreases the fees for inland waters trout stamps and Great Lakes trout and salmon stamps.

~~The bill also increases the fees for most duplicate hunting licenses and for duplicate fishing licenses.~~

*** ANALYSIS FROM -0184/1 ***

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NATURAL RESOURCES

FISH, GAME AND WILDLIFE

This bill increases the fees charged by the department of natural resources (DNR) for certain wild animal farm licenses. The bill increases the fee for a pheasant and quail farm license, a game bird and animal farm license, a deer farm license and a wildlife exhibit license. The bill also increases the late fee for a license for a pheasant and quail farm, a game bird and animal farm and a fur animal farm.

This bill also authorizes DNR to impose surcharges for the following licenses:

1. Licenses for game bird and animal farms on which there are bears or cougars
2. Licenses for game bird and animal farms on which the licensee permits an individual to hunt game birds for a fee.

3. Licenses for game bird and animal farms on which the licensee permits an individual to hunt grouse.

3.4. Licenses for game bird and animal farms on which the licensee sells game animals, the gross revenue from which is \$10,000 or more in the preceding license year.

game farms, except ^{for animal} fur farms, and for wildlife exhibits.

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Pg. 135

Certain
persons

licenses for

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5. Licenses for wildlife exhibits at which the licensee exhibits a bear or a cougar.

*** ANALYSIS FROM -1578/4 ***

NATURAL RESOURCES

FISH, GAME AND WILDLIFE

changed
Under current law, state agencies, including the department of natural resources (DNR), must release certain information to a third party upon that party's request. This bill ~~limits~~ this requirement as it applies to information about holders of fish and game licenses, stamps and other approvals (approval holders) as follows:

1. DNR may not release any information about approval holders who are under the age of 18 or about approval holders who request that DNR not release any such information.

2. DNR may release the names and addresses of, and demographic information about, all other approval holders. *Under the bill,* The department may produce and sell lists of the names, addresses and demographic information. *also*

3. DNR may not release telephone numbers, driver's license numbers or approval numbers or identification numbers given to approval holders by DNR under any circumstances.

New 911
The bill prohibits any person using information about approval holders from referring to DNR as the information's source unless the person states that the use of the information does not indicate DNR's approval or connection with the person's activities.

*** ANALYSIS FROM -0710/3 ***

NATURAL RESOURCES

OTHER NATURAL RESOURCES

that
Under current law, the department of natural resources (DNR) maintains a toll-free telephone number at DNR headquarters to receive reports of violations of any statute, administrative rule or ordinance that DNR enforces or administers. DNR must relay these reports to the appropriate warden for investigation and enforcement action. This bill eliminates the requirement that the toll-free telephone number must be maintained by DNR at its headquarters. It also specifies those statutes, administrative rules and ordinances enforced by DNR that, if violated, may be reported over the toll-free telephone number.

91 This bill The bill also requires DNR to establish and administer a program to pay rewards to individuals who provide information to DNR that leads to a finding by a court that an individual has committed a violation of one of the statutes, administrative rules or ordinances enforced by DNR. The bill authorizes the natural resources board to evaluate reward claims and determine whether, and in what amount, a reward will be paid.

*** ANALYSIS FROM -0186/1 ***

NATURAL RESOURCES

FISH, GAME AND WILDLIFE

Under current law, the department of natural resources (DNR) may issue bonus deer hunting permits to state residents and nonresidents who hold licenses that authorize the hunting of deer if DNR determines that the size or characteristics of

deer hunting

in order to control

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to p
148*

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the state's deer population ^{most} require the hunting of additional or special types of deer. This permit allows the holder to kill an additional deer of the sex or type authorized by DNR. Under current law, ~~an~~ applicants for this permit must pay a fee for the permit, ~~unless the applicant meets certain qualifications as a state resident farm owner.~~ ^{this}

Also, under current law, DNR or its agents collect an issuing fee for most fish and game licenses ~~and all fish and game stamps.~~ This bill requires that if a person must pay a ~~permit~~ fee for a bonus deer hunting permit, he or she must also pay an issuing fee.

*** ANALYSIS FROM -1255/2 ***

NATURAL RESOURCES

FISH, GAME AND WILDLIFE

to Under current law, both the department of natural resources (DNR) ^{appoints} and the agents ~~that DNR appoints~~ may issue fish and game approvals and may collect fees for these approvals. Under current law, DNR may charge a handling fee to cover the costs incurred by DNR in issuing these approvals by mail, telephone or electronic means. ~~Current law limits the collection of this handling fee to those approvals directly issued by DNR.~~ Under this bill, DNR may authorize any of its agents to collect and retain this handling fee.

*** ANALYSIS FROM -0185/P1 ***

NATURAL RESOURCES

FISH, GAME AND WILDLIFE

9/ This bill grants the department of natural resources (DNR) specific authority to promulgate rules to regulate wildlife rehabilitators. The rules may include a system for issuing rehabilitator licenses or permits.

*** ANALYSIS FROM -0216/2 ***

NATURAL RESOURCES

FISH, GAME AND WILDLIFE

a This bill requires that the department of natural resources (DNR) ^{the same} establish a system to allow hunters to reserve specific deer hunting back tag numbers upon payment of a reservation fee. DNR may limit the number of back tag numbers that may be reserved. ^{each year} Upon payment of the reservation fee each year, DNR must issue the same back tag number to the same hunter. The bill authorizes DNR to appoint county clerks and other agents to reserve these numbers and authorizes the collection of an issuing fee, in addition to the reservation fee, for these reservations.

*** ANALYSIS FROM -1257/3 ***

NATURAL RESOURCES

FISH, GAME AND WILDLIFE

Under current law, if the department of natural resources (DNR) and the Lac du Flambeau band of the Lake Superior Chippewa (band) have in effect an agreement under which the band agrees to limit its treaty-based, off-reservation rights to fish, the band may elect to issue DNR fishing licenses and DNR inland waters trout stamps as an agent of DNR and to retain the fees that the band collects

for these licenses and stamps. Current law also authorizes DNR to pay the band an amount equal to the amount that DNR collects from its other agents, who issue DNR fishing licenses and trout stamps on the reservation, if the agreement is in effect. Under current law, these payments are made under an appropriation from the conservation fund.

This bill creates a program revenue appropriation from the general fund that is funded by certain moneys received by the state pursuant to Indian gaming compacts. The bill requires that DNR first make the payments to the band under that general fund appropriation. The bill provides that, after DNR makes the payments from that general fund appropriation, it must make the balance of the payments, if any, from the conservation fund appropriation.

*** ANALYSIS FROM -1259/2 ***

NATURAL RESOURCES

FISH, GAME AND WILDLIFE

This bill creates a program revenue appropriation from the general fund authorizing the department of natural resources (DNR) to expend moneys associated with the management of the state's elk population and associated with the transportation of elk into the state. The appropriation is funded by certain moneys received by the state pursuant to Indian gaming compacts.

*** ANALYSIS FROM -0677/4 ***

NATURAL RESOURCES

NAVIGABLE WATERS

Decision, notice and hearing procedures

Under current law, with certain exceptions, a riparian may not place a structure or deposit or conduct certain other activities in a navigable body of water without first obtaining a permit or contract from the department of natural resources (DNR).

Under current law, for most structures, deposits or activities (riparian activities) that require a permit or contract, the procedure for obtaining the permit or contract requires that DNR provide notice to the public in a newspaper that is likely to give notice in the area where the riparian activity will be located (area newspaper) and to the county and city, village or town (municipality) in which the riparian activity will be located. If DNR receives a written objection in response to the notice, it must hold a public hearing on the issue of whether DNR should approve the permit or contract. DNR may also use this notice and hearing procedure when it is not specifically required if DNR determines that substantial interests of any party may be adversely affected by the granting of the permit or contract.

For other riparian activities that require permits, current law does not require this notice and hearing procedure. These riparian activities include the placement of fish cribs, bird nesting, gravel, riprap, bridges less than 35 feet wide and enlarging certain artificial waterways.

This bill changes these public notice and hearing procedures. These changes to the public notice and hearing procedure include the following:

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1. The first notice issued by DNR contains a preliminary decision of whether to grant the permit or the contract instead of stating that it will proceed to render a decision without a hearing unless a ~~substantive~~ written objection is received within 30 days. A substantive written objection is one that states the reason the activity will violate the laws governing navigable waters and is submitted by a person who will present information in support of the objection at a hearing or other procedure. Under the bill, the preliminary decision becomes final if no such objection is received within 30 days. *if receives such an objection, it*

2. Under the bill, *navigable* DNR distributes the first notice ~~issued to~~ certain interested parties. The specific parties required to receive individual notice include any person who owns riparian property adjacent to the property of the applicant, any municipality in which the riparian activity will be located, any property owner's association established for the body of water and any local unit of government, such as an inland lake protection and rehabilitation district or a town sanitary district, that is established for the body of water. Also, for certain types of permits or contracts or wherever DNR determines that an environmental impact assessment is required, the applicant for the permit or contract must publish a notice containing the preliminary decision in an area newspaper. The types of permits and contracts that require this additional notice include permits to connect a natural or constructed waterway with a navigable water, permits to change 500 feet or more of a stream's course, permits requested by municipalities to enclose ~~navigable~~ waters into drains, storm sewers or similar structures and contracts to remove 3,000 cubic feet or more of material from the bed of ~~a~~ navigable waters. *in response to these notices*

3. Under the bill, if an objection is timely filed, DNR must determine whether it is a substantive written objection and if so, whether the riparian activity affects a public right or interest in navigable waters. The type of hearing or dispute resolution procedure to be held depends on DNR's determination. If DNR determines the objection is substantive and that the riparian activity affects a public right or interest, DNR must offer the person making the objection the choice of a public hearing before an administrative law judge, an informal hearing before DNR staff, or a dispute resolution proceeding. If DNR determines that the objection is substantive but that the riparian activity does not affect a public right or interest, DNR must offer the choice between the informal hearing and the dispute resolution proceeding. Under the bill, DNR must promulgate rules to establish the dispute resolution process which must include binding arbitration and mediation. If a public hearing is required, the notice and procedural requirements for the hearing, with the exception as to the timing of the advance notice to the applicant, are the same as under current law.

The riparian activities that are subject to these notice and hearing requirements under current law continue to be subject to the requirements under the bill. The bill also applies the requirements to the permits and contracts to remove material from beds of navigable waters.

General permits

Under current law, DNR must issue permits authorizing activities in navigable waters such as the placement of structures or deposits. Under current law, for

certain types of activities in navigable waters, DNR may issue a general permit that allows anyone to engage in a type of activity as opposed to an individual permit to a specific individual who wants to engage in the activity. Currently there are two programs under which DNR issues general permits. One applies throughout the state (regular program). The other program is a five-year project for the Wolf River and Fox River basin area, under which DNR issues general permits for any activity in navigable waters that requires a permit (pilot program). The basin area consists of all of Winnebago County and Fond du Lac County and portions of Waushara County, Calumet County, Waupaca County and Outagamie County. Under both programs, DNR issues a general permit if it determines that the environmental impact of the activity is insignificant and that the issuance of the permit will not cause pollution or injury to the rights of the public or riparian property owners.

This bill eliminates the pilot program and makes changes in the regular program, including the following:

1. Under the bill, DNR may issue a general permit for any activity that requires a specific permit or a contract. Under current law, DNR may issue general permits for only certain activities that require permits. ~~These activities include the~~ Such as placement of fish cribs, bird nesting platforms, gravel and riprap and the enlargement of certain waterways.

2. The bill imposes a time limit of five years on any general permit. There are no time limits under the current two programs.

3. The bill allows a person to maintain a structure or deposit or continue an activity under the authority of a general permit after the general permit is no longer in effect unless DNR determines that the structure, deposit or activity is detrimental to a public right or interest in navigable waters.

4. The bill allows only municipalities, public inland lake protection and rehabilitation districts, town sanitary districts and groups of ten or more riparian owners that would be affected by the issuance of a general permit to apply. Under the current regular program, anyone can apply. Under the pilot program, these specific persons plus any contractor who has been involved in placing structures along navigable waters and certain local entities such as certain lake associations and nonprofit conservation organizations can apply.

5. The bill requires that public notice be given and in certain cases a public hearing be held before issuing a general permit for any activity. Under the pilot program, notice and hearing are required only if they are required before issuing an individual permit for the activity in question. Under the regular program there are no notice or hearing requirements because the types of activities for which general permits are available have no notice and hearing requirements before issuance of the permit. ~~The notice and hearing requirements for general permits under the bill are basically the same as those under current law.~~

6. The bill requires that a person conducting an activity under a general permit comply with any local ordinance that contains standards that are at least as restrictive as those contained in the general permit. The pilot program required compliance with any applicable local ordinances.

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7. The bill incorporates from the pilot program into the regular program the fee structure for general permits and for authorization to act under general permits.

Inspection authority

The bill specifically authorizes DNR to inspect projects or activities in navigable waters that are undertaken pursuant to permits issued or entered into by DNR. The pilot program had similar provisions.

*** ANALYSIS FROM -0461/1 ***

~~NATURAL RESOURCES~~**~~NAVIGABLE WATERS~~**

Under current law, most boats must have certificates of number or of registration that are issued every 2 years for a fee by ~~the department of natural resources (DNR)~~. The fees are generally based on the size of the boat. This bill increases these fees by 50% and increases the period of certification and registration by 50% from 2 years to 3 years.

*** ANALYSIS FROM -0198/3 ***

~~NATURAL RESOURCES~~**~~NAVIGABLE WATERS~~**

Under current law, ~~the department of natural resources (DNR)~~ administers two grant programs to address water quality problems specifically in lakes. Under the first program, DNR provides grants for planning projects to provide information on the quality of water in lakes. Under the second program, DNR provides grants for management projects that will improve or protect the quality of water in lakes or in their ecosystems.

This bill makes some changes to the lake planning grant program, including the following:

1. The bill allows these grants to be used to provide information and education on the use of lakes and their ecosystems. Current law allows these grants to be used to provide information only on the water quality in lakes.

~~2. The bill specifically allows grant recipients to conduct assessments of fish and other aquatic life in a lake.~~

2. ~~2.~~ The bill specifically allows grant recipients to conduct assessments of lake uses and the uses of surrounding land.

The bill also creates a new grant program for river protection activities for certain rivers. Under the program, DNR must promulgate rules establishing which types of river ecosystems are eligible for grants. This program includes grants for both planning projects and management projects and is similar to the lake planning grant program and the lake management grant program. The activities for which the river protection planning grants may be used include:

1. Assessments of the water quality and uses of a river.
2. Assessments of fish and other aquatic life.
3. Evaluations of nonpoint source pollution.
4. Providing information or education on protecting fish populations and habitat, protecting water quality and improving how rivers are used.

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The activities for which the river protection management grants may be used include:

1. The purchase of land or conservation easements in order to protect or improve a river or its ecosystem.
2. The restoration of in-stream or shoreline habitat.
3. The installation of pollution control practices.

DNR may award grants under the program for up to 75% of the cost of the project. The bill imposes a limit of \$10,000 on each planning grant and a limit of \$50,000 on each management grant.

Cities, villages, towns, counties and special purpose districts are eligible for these grants. River management organizations that meet qualifications promulgated by rule by DNR and nonprofit conservation organizations are also eligible.

~~Under current law, the funding for the two grant programs for lakes is appropriated from the conservation fund. Under this bill, the funding for these two programs and the river protection program is appropriated from the conservation fund and the environmental fund.~~

*** ANALYSIS FROM -1015/P1 ***

ENVIRONMENT

~~WATER QUALITY~~

Under current law, no permit is required from ~~the department of natural resources (DNR)~~ for highway and bridge work that is directed and supervised by the department of transportation (DOT) and that involves the placement of structures or the deposition of material in navigable waters of this state, if the work is accomplished in accordance with interdepartmental liaison procedures established by DOT and DNR for minimizing the adverse environmental impact, if any, of the work.

This bill expands the exemption for highway and bridge work to exempt any transportation project, including rail, harbor and airport projects, directed and supervised by DOT from having to obtain a permit from DNR to place structures or deposit material in navigable waters if the transportation project is accomplished in accordance with the interdepartmental liaison procedures.

The bill also allows DOT, in connection with a transportation project, to construct, dredge or enlarge any artificial waterway connecting to a navigable water without obtaining a permit from DNR if the project is accomplished using the interdepartmental liaison procedures.

*** ANALYSIS FROM -0207/1 ***

NATURAL RESOURCES

~~NAVIGABLE WATERS~~

Under current law, the department of natural resources (DNR) administers a matching grant program for municipalities and public inland lake protection and rehabilitation districts for the purposes of dam maintenance, repair, modification, abandonment and removal. ~~Under the program, the financial assistance may not exceed 50% of the cost of the project and may not exceed a total of \$200,000 for the~~

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~~project~~ This bill expands the purposes for which DNR may give financial assistance to include other activities that increase the safety of the dam if such an activity costs less than maintaining, repairing, modifying or removing the dam.

*** ANALYSIS FROM -0209/P2 ***

NATURAL RESOURCES

NAVIGABLE WATERS

(N 9) Also, the program Under ~~current law~~, the department of natural resources (DNR) administers a program that is funded by state bonding and that provides matching grants to municipalities and public inland lake protection and rehabilitation districts for the purposes of dam maintenance, repair, modification, abandonment and removal. Under the program, the financial assistance may not exceed \$200,000 for a particular project and at least \$250,000 of the total \$11,850,000 in grant assistance that is available must be spent to remove dams that are less than 15 feet wide and that create impoundments of 50 acre-feet or less. This bill respectively changes these size requirements to 15 feet in height and 100 surface acres.

*** ANALYSIS FROM -1261/2 ***

NATURAL RESOURCES

NAVIGABLE WATERS

Under current law, if a state agency provides a requester with a copy of a record, the agency may not charge the requester a fee that exceeds the actual, necessary and direct cost of reproduction and transcription of the record unless a fee is otherwise specifically established or authorized to be established by law.

This bill authorizes the department of natural resources (DNR) to charge a fee for providing any information that DNR maintains in a format that may be accessed by computer concerning the waters of this state, including maps and other water resource management information. The bill does not limit the amount of the fee to the actual, necessary and direct cost of providing that information.

*** ANALYSIS FROM -1817/4 ***

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, the department of natural resources (DNR) administers the stewardship program, which provides funding for various conservation purposes. These purposes include acquiring land for developing DNR properties, awarding grants to local units of government for parks and urban green space and acquiring land for the Ice Age Trail and other trails.

(N 9) This bill requires DNR to spend up to \$500,000 from the stewardship program for the establishment and development of a state park which will provide access to Lake Michigan from the city of Milwaukee. Current law limits the use of some of the area to be included in the state park to only navigation and fishery purposes. This bill allows this area to also be used for public park purposes.

This bill creates an appropriation to receive federal moneys allocated for construction of pedestrian and bicycle facilities along Lake Michigan in the city of Milwaukee and requires the department of transportation (DOT) to award grants to DNR to construct these facilities.

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149

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*** ANALYSIS FROM -0196/7 ***

~~NATURAL RESOURCES~~

RECREATION

Under current law, a minor who is under 12 years old may operate a snowmobile only if the minor is accompanied on the same snowmobile by a parent, guardian or other adult. A minor who is 12, 13, 14 or 15 years old may operate a snowmobile only if he or she holds a valid snowmobile safety certificate or if he or she is accompanied on the same snowmobile by a person who is over the age of 18 or by a person who is over the age of 14 and who has a valid snowmobile safety certificate. Snowmobile operators who are at least 16 years old are exempt from being accompanied and from holding a snowmobile safety certificate.

Under the bill, a person who is at least 12 years old and who is born on or after January 1, 1985, must have a valid snowmobile safety certificate to operate a snowmobile. This change goes into effect on January 1, 2001. The bill makes no changes to the provision under current law for minors under 12 years old.

Under current law, a person operating a snowmobile adjacent to a roadway or on certain roadways that are open to snowmobiles for access to lodging or residences must observe the roadway speed limits. This bill expands this requirement to cover all roadways upon which snowmobiles are operated.

Current law prohibits tampering with the odometer of a motor vehicle and with the hour meter of farm equipment. An odometer measures and records the distance that a motor vehicle has traveled while in operation. An hour meter measures and records the hours of operation.

This bill prohibits any person from knowingly interfering with the proper operation of the odometer of a snowmobile or all-terrain vehicle and from operating a snowmobile or all-terrain vehicle having a malfunctioning odometer. The bill prohibits any person, with intent to defraud, from interfering with the proper operation of an hour meter on a snowmobile, all-terrain vehicle or boat. The bill contains exceptions to allow a malfunctioning odometer or hour meter to be restored to its proper working order.

This bill authorizes conservation wardens and other law enforcement officers to stop and inspect a snowmobile to determine whether required equipment is in good working order, and requires the operator to stop and submit the snowmobile to the requested inspection. A snowmobile found to be unsafe for operation or in violation of required equipment standards may be ordered out of operation, except for purposes of removal and repair, until it has been repaired. Conservation wardens may issue to the owner or operator of a snowmobile in violation of required equipment standards a repair order requiring the repair of the violating equipment, in addition to or instead of any penalties that apply to violating the equipment standards. The bill prohibits the department of natural resources (DNR) and Indian tribes and bands from registering snowmobiles that failed their most recent equipment inspection until repairs have been made.

*** ANALYSIS FROM -0221/5 ***

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NATURAL RESOURCES**RECREATION**

Under current law, the department of natural resources (DNR) administers the registration system for all-terrain vehicles, boats and snowmobiles. This bill authorizes DNR to appoint agents, who may be county clerks or other persons not employed by DNR, to issue all-terrain vehicle and snowmobile registration certificates. The bill also authorizes DNR to appoint these types of agents to renew certain all-terrain vehicle and snowmobile certificates and all certificates of number and of registration for boats. The bill also authorizes DNR to establish an expedited service for these renewals, which may be used by the agents or by DNR directly.

The bill establishes an issuing fee of \$3 for the issuance of these registration documents by the agents appointed by DNR and requires that the agents remit \$2 of each issuing fee to DNR. This bill authorizes DNR to establish a supplemental renewal fee for renewals done by agents or for the use of expedited services by persons who wish to renew the certificates immediately and in person. If DNR decides to charge this supplemental fee, the fee must be \$3 and \$2 of each supplemental fee that is collected by agents must be remitted to DNR.

*** ANALYSIS FROM -0219/2 ***

NATURAL RESOURCES**RECREATION**

Under current law, the department of natural resources (DNR) provides supplemental aid for the maintenance and grooming of state and county snowmobile trails. The supplemental aid is available for maintenance or grooming of trails if the actual cost of maintenance or grooming exceeds the amount determined under the trail aids formula which sets a maximum amount per mile of trail. Currently, this supplemental aid is funded by moneys transferred from the transportation fund to the conservation fund. The amount of this transfer equals 40% of the estimated snowmobile gas tax formula. The snowmobile gas tax formula amount represents an estimate of the amount of excise tax paid on gasoline by operators of snowmobiles registered in this state.

^{most} This bill provides additional funding for these supplemental trail aids from the fees received by DNR for snowmobile trail use stickers. These stickers are required on all snowmobiles that are operated in this state but not registered in this state. The fee for these stickers is \$12.25. Under the bill, \$10 of each fee is made available for these supplemental trail aids. ← material from p. 148

*** ANALYSIS FROM -1818/3 ***

NATURAL RESOURCES**RECREATION**

Under current law, the department of natural resources (DNR) may expend amounts appropriated from the conservation fund for the purpose of snowmobile enforcement operations and for safety training and fatality reporting. This bill creates a program revenue service appropriation from the general fund that is funded by certain moneys received by the state pursuant to Indian gaming compacts.

provides funding from (for snowmobile enforcement and safety activities)

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The bill permits DNR to also expend amounts from this program revenue-service appropriation for these snowmobile enforcement and safety purposes.

*** ANALYSIS FROM -0218/1 ***

NATURAL RESOURCES

RECREATION

Under current law, with certain exceptions, no person may operate a snowmobile in this state without a registration certificate issued by the department of natural resources (DNR). A snowmobile is exempt from registration if it is covered by a valid registration in another state, province or country and it has not been in this state for more than 15 consecutive days. A person who operates such an exempt snowmobile on a public snowmobile corridor must have a trail use sticker issued by DNR.

Also, Under current law, a snowmobile trail use sticker is issued by DNR for a period of one year. This bill provides that a snowmobile trail use sticker issued by DNR expires on the following March 31 of each year, regardless of the date of issuance.

*** ANALYSIS FROM -0194/1 ***

NATURAL RESOURCES

OTHER NATURAL RESOURCES

This bill creates the natural resources land endowment fund, which is a nonlapsible trust fund consisting of gifts, grants and bequests made to the fund. These gifts, grants and bequests may be used by the department of natural resources (DNR) for preserving, developing, managing or maintaining lands under the jurisdiction of DNR that are used for conservation or recreational purposes.

*** ANALYSIS FROM -0192/1 ***

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, the department of natural resources (DNR) may acquire, develop and manage land for specific purposes such as state forests, state parks, state natural areas and hunting and shooting grounds. The bill also authorizes DNR to designate, acquire, develop, maintain and operate state natural resources areas for the purpose of conserving the state's natural resources. Under the bill, DNR may allow various resource management and recreational uses within the boundaries of the state natural resources area.

*** ANALYSIS FROM -0197/5 ***

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, the department of natural resources (DNR) administers various programs instructing persons in the safe use of snowmobiles, boats and all-terrain vehicles and in the safe use of firearms and bows for hunting. This bill makes changes to these instruction fees under these programs as follows:

1. For the snowmobile safety education program, under current law, the instruction fee is \$5, and the instructor keeps \$1 of the fee. This bill authorizes DNR to establish the fee by rule and to allow the instructor to keep up to 50% to cover his or her expenses.

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Each program has somewhat different provisions establishing or regulating the instruction fee charged and the portion of that fee that the instructor may keep to cover his or her expenses. ~~For the snowmobile safety program and the hunter education program, the instruction fee is set by statute.~~ This bill makes these provisions uniform. Under the bill, all of these fees are set by rule by DNR (currently the instruction fee for the snowmobile safety and hunter education programs is set by statute) and the instructor may keep up to 50% of the ~~each~~ fee.

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2. For the all-terrain vehicle safety education program, current law authorizes DNR to charge an instruction fee. This bill requires that this fee be set by rule. It also authorizes an instructor to keep up to 50% of the fee collected to cover his or her costs.

3. For the boating safety education program, under current law, there is no limit established for the amount that an instructor may keep of the instruction fee to cover his or her expenses. The bill imposes a maximum of 50%.

4. Under the hunter education program, the instruction fee is set by statute at \$3. Under the bill, DNR sets the fee by rule. Also, under current law, an instructor who is authorized by DNR to conduct the hunter education program may keep exactly 50% of the instruction fee to cover his or her expenses. Under the bill, the instructor may keep up to 50%.

Under the bill and under current law, the fees not kept by the instructors are remitted to DNR and are deposited in the conservation fund. Under the bill, all of the fees remitted to DNR under the snowmobile, all-terrain vehicle and boating safety education programs and 50% of the fees remitted under the hunter education program are credited to one appropriation to be used specifically for these safety programs. The other 50% of the fees remitted under the hunter education program are not appropriated for a specific purpose.

*** ANALYSIS FROM -1961/1 ***

~~NATURAL RESOURCES~~

~~OTHER NATURAL RESOURCES~~

Under current law, the Minnesota-Wisconsin boundary area commission is a joint commission created by a compact entered into between Minnesota and Wisconsin. The commission addresses issues as to land and water use along the boundary between the two states. This bill repeals the authorization and appropriation provisions for Wisconsin's representation on the commission and withdraws Wisconsin from the compact and the joint commission.

*** ANALYSIS FROM -1813/2 ***

~~NATURAL RESOURCES~~

~~OTHER NATURAL RESOURCES~~

This bill provides that \$2,000,000 in moneys received by the state from Indian gaming compacts are to be transferred to the conservation fund.

*** ANALYSIS FROM -1065/2 ***

~~NATURAL RESOURCES~~

~~OTHER NATURAL RESOURCES~~

Under current law, the department of natural resources (DNR) has promulgated rules that establish water quality standards for wetlands. Under current law, activities that are carried out by the department of transportation (DOT) that are in connection with highway and bridge construction and maintenance are exempt from these rules if the activities comply with certain interdepartmental procedures established by DNR and DOT for minimizing the adverse environmental impact of the activities.

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the for any costs to repair or otherwise *remedy any* damages caused by person while performing under the contract.

no 4 This bill creates an exemption from these wetland water quality standards for an activity that meets specific criteria. These criteria include that the wetland area that will be affected be less than 15 acres, that the site of the activity be in a city in Trempealeau County and that the city adopt a resolution stating that the exemption is necessary to protect jobs or promote the creating of jobs in the city.

The bill also prohibits DNR from reviewing and disapproving an amendment to a city or county shoreland or floodplain zoning ordinance if the amendment affects this exempt activity. ~~Under current law, DNR may enact a shoreland or floodplain zoning ordinance that supersedes city's or county's shoreland or floodplain zoning ordinance if the city or county ordinance fails to meet certain standards established by DNR.~~

*** ANALYSIS FROM -0187/1 ***

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Currently, the department of natural resources (DNR) requires that certain persons provide performance bonds or other surety when entering into a timber sale contract to cut or remove timber products from state forest lands. If a person cutting or removing timber under the contract causes damage, fails to remove debris or otherwise does not properly perform under the contract, DNR deposits in the conservation fund the portion of the surety that is necessary to cover the repair or other costs. These deposited moneys are not appropriated for any specific purpose.

This bill creates a separate appropriation to allow DNR to use the moneys that it received from such ~~contracts~~ for these repair and other costs. The bill also specifically authorizes DNR to require sureties under these timber sales contracts.

*** ANALYSIS FROM -0460/1 ***

Such a surety

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, the department of natural resources (DNR) administers a grant program to provide grants for fire-fighting equipment to cities, villages, towns, counties and fire-fighting organizations. Under the program, a grantee must agree to assist DNR in fighting forest fires when requested to do so by DNR.

current Under current law, this program sunsets on June 30, 1999. This bill eliminates the sunset.

*** ANALYSIS FROM -1639/2 ***

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, the department of natural resources (DNR) is authorized to expend amounts received from DNR or other state agencies from certain vehicle pools and from information technology and radio pools for the operation, maintenance, replacement and purchase of vehicles, equipment and information technology. This bill provides that the amounts received by DNR may also be used for radio services. The bill also requires DNR to make quarterly payments to the department of transportation (DOT) for radio services that DOT provides to DNR in fiscal years 1999-2000 and 2000-01.

for the program of June 30, 1999

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*** ANALYSIS FROM -0635/3 ***

OCCUPATIONAL REGULATION

In its biennial budget request, the department of regulation and licensing (DORL) must recalculate its administrative and enforcement costs attributable to the regulation of each of the occupations and businesses that DORL regulates and, on the basis of these costs, recalculate the fees for initial credentials and for the renewal of credentials already issued. This bill changes the fees for initial and renewal credentials, except for renewal credentials for aesthetics schools, barbering or cosmetology schools, cemetery authorities, cemetery preneed sellers, cemetery salespersons, charitable organizations, electrology instructors, electrology schools and manicuring schools.

*** ANALYSIS FROM -1893/2 ***

~~OCCUPATIONAL REGULATION~~

This bill requires the department of regulation and licensing (DORL) to prepare proposed legislation that establishes a process for annually evaluating the necessity of at least 25% of the credentialing boards in DORL and eliminating the credentialing boards that are unnecessary. The proposed legislation must also establish credential renewal fees that must be paid every four years rather than every two years as required under current law. DORL must submit the proposed legislation to the governor and the legislature no later than August 1, 2000.

*** ANALYSIS FROM -0641/1 ***

~~OCCUPATIONAL REGULATION~~

Under current law, the department of regulation and licensing (DORL) may, under certain circumstances, cancel a credential if the credential holder pays an initial or renewal credential fee with a check that is not paid by the bank upon which the check is drawn. This bill allows DORL to cancel a credential under the same circumstances if the credential holder pays an initial or renewal credential fee with either 1) a check that is not paid by the financial institution upon which the check is drawn, or 2) a credit or debit card and the demand for payment under the debit or credit card transaction is not paid by the financial institution upon which demand is made.

*** ANALYSIS FROM -0640/2 ***

~~OCCUPATIONAL REGULATION~~

Under current law, an applicant for a credential that allows the applicant to engage in certain occupations or professions must pay an initial credential fee to the department of regulation and licensing (DORL). In addition, a person who is issued an initial credential must apply to renew the credential every two years and pay a credential renewal fee. This bill requires DORL to promulgate rules that establish additional fees that an applicant must pay if the applicant requests DORL to process an application for an initial credential or credential renewal on an expedited basis.

*** ANALYSIS FROM -0645/2 ***

~~OCCUPATIONAL REGULATION~~

Under current law, a cemetery authority that sells or solicits the sale of ten or more cemetery lots or mausoleum spaces during one calendar year and who

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compensates any other person for selling or soliciting the sale of the cemetery lots or mausoleum spaces must register with the ~~department of regulation and licensing~~ DORL. Under this bill, such a registration is required if a cemetery authority sells ten or more cemetery lots or mausoleum spaces during one calendar year, regardless of whether compensation is paid. In addition, a cemetery authority that solicits a sale of ten or more lots or spaces, but does not sell ten or more lots or spaces, is not required to register. ~~In addition,~~ the bill specifies that a cemetery authority must file a separate registration for each cemetery at which it sells ten or more cemetery lots or mausoleum spaces in a calendar year.

Also under current law, an individual who sells or solicits the sale of ten or more cemetery lots or mausoleum spaces in a calendar year must register with DORL as a cemetery salesperson. ~~An applicant for registration must provide certain information, including educational qualifications and prior occupations.~~ This bill specifies that this registration requirement applies to any person, such as a business entity, in addition to an individual, that sells or solicits the sale of ten or more cemetery lots or mausoleum spaces in a calendar year. ~~In addition, the bill eliminates the requirement that an applicant provide information about educational qualifications and prior occupations.~~

Finally, under current law, a person that is registered as a cemetery salesperson is required to comply with certain other requirements, including requirements regarding trust accounts and disciplinary proceedings, that also apply to real estate salespersons that are licensed by DORL. Under this bill, a person that is registered as a cemetery salesperson is not required to comply with these other requirements.

*** ANALYSIS FROM -0646/2 ***

OCCUPATIONAL REGULATION

Under current law, a person who has been issued a license as a hearing instrument specialist by the hearing and speech examining board must apply to renew the license by February 1 of each even-numbered year. This bill changes the expiration date to February 1 of each odd-numbered year.

Also under current law, a person who applies to renew an audiologist, speech-language pathologist or hearing instrument specialist license is required to submit proof that he or she has satisfied certain continuing education requirements. This bill specifies that this requirement first applies to licenses that expire on February 1, 2001.

Finally, under current law, there is an exemption from audiologist or speech-language pathologist licensure requirements for an employe of an audiologist or speech-language pathologist who assists the audiologist or speech-language pathologist. This bill expands this exemption to cover any individual, not just an employe, who provides assistance to an audiologist or speech-language pathologist.

*** ANALYSIS FROM -0467/1 ***

RETIREMENT AND GROUP INSURANCE

Under current law, a participating employe in the Wisconsin retirement system (WRS) may purchase any creditable service that he or she may have forfeited in the past. ~~In order to~~ reestablish the creditable service, the participating employe must

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submit an application to the department of employee trust funds (DETF) for *all* of the creditable service that he or she ~~may have~~ forfeited and pay a lump sum ~~to DETF~~ that equals the employee's statutory required contributions on his or her earnings for each year of creditable service.

in the part
This bill permits a participating employee to submit more than one application to purchase forfeited WRS creditable service and allows the participating employee to purchase ~~all or part~~ of the creditable service that he or she ~~may have~~ forfeited ~~at the time of each application~~. ~~The bill also provides that the participating employee may not submit more than two applications in each calendar year and requires that the application and required payments be received by DETF no later than the date the participating employee terminates employment with a participating employer.~~

*** ANALYSIS FROM -0469/1 ***

RETIREMENT AND GROUP INSURANCE

WRS
Under current law, a participant in ~~the Wisconsin retirement system (WRS)~~ may elect to receive a social security integrated annuity. A social security integrated annuity allows a participant to receive ~~an accelerated WRS annuity in the form of~~ a higher annuity before the age of 62 than he or she would ordinarily receive. But when the participant begins to receive social security payments at the age of 62, the WRS annuity is reduced to an amount less than he or she would ordinarily receive. The amount of the accelerated WRS monthly annuity before the participant attains the age of 62 should be the same as the sum of the WRS monthly annuity and the social security monthly annuity received by the participant after he or she attains the age of 62.

Thus,
Under current law, however, if the participant dies before the age of 62, the death benefit paid to the beneficiary is based on the reduced WRS benefit ~~that would have been payable to the participant when he or she would have reached age 62~~. This bill changes the date on which the annuity amount is reduced from age 62, or, if earlier, on the death of the annuitant, to age 62 or, if the annuitant dies before attaining age 62, in the month in which the annuitant would have attained age 62. ~~The effect of this change is that the death benefit paid to the beneficiary will include the higher WRS annuity of a participant who was receiving a social security integrated annuity, but who died before the age of 62.~~

*** ANALYSIS FROM -0470/2 ***

RETIREMENT AND GROUP INSURANCE

Under current law, with certain exceptions, if a state employee ~~who is eligible for coverage under the state group health insurance program~~ terminates employment in a position that is covered under ~~the Wisconsin retirement system (WRS)~~ and has attained the minimum age to begin receiving a retirement benefit under WRS, or if a state employee ~~who is eligible for coverage under the state group health insurance program~~ is laid off, the employee's accumulated unused sick leave may be converted, ~~at his or her basic pay rate immediately prior to termination~~, to credits for the payment of health insurance premiums during the employee's retirement or period of layoff.

This bill provides that, for most state employees, the ~~accumulated unused sick leave~~ credits may only be used to purchase health insurance under a plan ~~which is~~

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contracted or provided by the group insurance board; however, the credits may also be used to purchase health insurance by judges or district attorneys who became state employees in 1978 and 1990, respectively, and who elected to keep their county health insurance coverage ~~but subject to any applicable rules promulgated by the department of employee trust funds (DETF).~~

Additional
In addition, the bill authorizes the secretary of employee trust funds to promulgate rules permitting all state employees to use accumulated sick leave credits for the purchase of health insurance offered by a person other than a WRS employer, but only if the use of accumulated sick leave credits to purchase the insurance would not result in the credits being treated as income under the Internal Revenue Code.

*** ANALYSIS FROM -0466/3 ***

RETIREMENT AND GROUP INSURANCE

Under current law, the department of employee trust funds (DETF) may not credit interest to moneys paid in error to DETF or to moneys paid to DETF by participants or employers that exceed federal Internal Revenue Code limits on retirement contributions to a qualified governmental plan, such as the Wisconsin Retirement System (WRS). This bill provides that DETF may credit interest on these moneys at a rate established by rule.

In addition, under current law, in the event ~~of~~ certain WRS annuity underpayments by DETF that are not corrected within 12 months, DETF must pay interest on the amount of the underpayment at a rate of 0.4% for each full month during which the underpayment occurred. This bill provides that DETF must pay interest on the amount of the underpayment at a rate established by rule and eliminates the requirement that the underpayment not have been corrected within 12 months.

*** ANALYSIS FROM -1268/2 ***

STATE GOVERNMENT

DISTRICT ATTORNEYS

under some circumstances file
Under current law, the state pays for the salaries of and various benefits for district attorneys, deputy district attorneys and assistant district attorneys. Among their many duties, district attorneys may, if the attorney general has authorized ~~something~~, a petition under the sexually violent person commitment law seeking the commitment for involuntary treatment of a person found to be a sexually violent person.

under some circumstances file
This bill provides that two assistant district attorney positions (one each in Brown and Milwaukee counties) shall be used exclusively to file and prosecute sexually violent person commitment petitions anywhere in this state. The bill also requires district attorneys to maintain records of the time spent on cases brought under the sexually violent person commitment law and to report that information to the department of administration (DOA). The records must be maintained during the period ending on June 30, 2001.

*** ANALYSIS FROM -1974/4 ***

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~~STATE GOVERNMENT~~

STATE EMPLOYMENT

Under current law, with certain exceptions, positions in state government may only be authorized by the legislature by law or in budget determinations, by the joint committee on finance (JCF) and by the governor creating or abolishing certain positions funded from federal revenues. This bill authorizes the board of regents of the University of Wisconsin (UW) System (board) to increase its authorized full-time equivalent (FTE) positions that are funded, in whole or in part, with general purpose revenues by not more than 1% above the level authorized for the board. Under the bill, the board must submit the proposal to the secretaries of administration and employment relations, together with its methodology for accounting for the cost of funding these positions. If the secretaries of administration and employment relations jointly approve the proposal, the positions are authorized.

*** ANALYSIS FROM -1068/4 ***

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~~STATE GOVERNMENT~~~~STATE EMPLOYMENT~~

Under current law, no

No individual, other than a state elective official, who is employed ~~or retained~~ in a full-time position or capacity with any state agency or authority may hold any other position or be retained in any other capacity with any state agency or authority from which the individual receives, ~~directly or indirectly~~, more than \$12,000 ~~from the state agency or authority as compensation for the individual's services~~ during the same year. A state agency is any office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, while an authority is the Wisconsin Health and Educational Facilities Authority (WHEFA), the Bradley Center Sports and Entertainment Corporation, the University of Wisconsin (UW) Hospitals and Clinics Authority, the Wisconsin Housing and Economic Development Authority (WHEDA) and the World Dairy Center Authority.

This bill exempts any member of the faculty or academic staff, other than a state elective official, who has a full-time appointment at an institution within the UW System and who holds any other position or is retained in any other capacity by a different institution within the UW System from the \$12,000 compensation restriction.

*** ANALYSIS FROM -1432/7 ***

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Under current law, the department of commerce (department) administers a program to reimburse owners of certain petroleum product storage tanks for a portion of the costs of cleaning up discharges from those tanks. This program is commonly known as PECFA.

This bill authorizes the department to issue revenue obligations, to be paid from revenues deposited in the petroleum inspection fund, to fund the payment of claims under the PECFA program. Revenue obligations issued under this bill may

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not exceed \$450,000,000 in principal amount. In addition to this limit on principal amount, the bill authorizes the issuance of revenue obligations to fund or refund these outstanding revenue obligations, to pay issuance or administrative expenses, to make deposits to reserve funds or to pay accrued or capitalized interest. The building commission may pledge any portion of revenues received from the proceeds of the obligations or the petroleum inspection fund to secure revenue obligations issued under this bill. The building commission may issue the revenue obligations when it reasonably appears to the building commission that the obligations can be fully paid on a timely basis from the petroleum inspection fund. The bill provides a so-called "moral obligation pledge" which applies if the legislature reduces the rate of the petroleum inspection fee. If the rate is reduced and there are insufficient funds in the petroleum inspection fund to pay the principal and interest on the revenue obligations, the legislature expresses its expectation and aspiration that it would make an appropriation from the general fund sufficient to pay the principal and interest on the obligations.

~~STATE GOVERNMENT~~

STATE FINANCE

Under current law, the state may issue "revenue obligations" for certain specified purposes. In general, a revenue obligation is an obligation that is: 1) incurred to purchase, acquire, lease, construct, improve, operate or manage a revenue-producing enterprise; and 2) repayable solely from, and secured solely by, the property or income from the revenue-producing enterprise.

This bill broadens the definition of revenue obligation to allow revenue bonding in situations which would not meet the current law definition of revenue obligation. Under the bill, revenue obligations consist of two different types: enterprise obligations and special fund obligations. The first type of revenue obligation, called an enterprise obligation, includes all obligations authorized under current law; i.e., obligations that are incurred to purchase, acquire, lease, construct, improve, operate or manage a revenue-producing enterprise and are repayable solely from, and secured solely by, the property or income from that revenue-producing enterprise. The definition of enterprise obligation under the bill is broader than the current law definition of revenue obligation in that it eliminates the requirement that bond be repayable *solely* from, and be *solely* secured by, property or income from the revenue-producing enterprise.

The second type of revenue obligation, a special fund obligation, is created by the bill. Special fund obligations are an undertaking by the state to repay a certain amount of borrowed money that is payable from a special fund consisting of fees, penalties or excise taxes.

The bill uses this second type of revenue obligation in order to authorize not more than \$450,000,000 of revenue obligation bonding for the PECFA program. See ENVIRONMENT, HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP. These revenue obligations are to be repaid from, and are secured by, the petroleum inspection fund. If, however, the legislature reduces the rate of the petroleum inspection fee and the fees in the fund prove insufficient to pay the principal and interest on the revenue obligations, the bill expresses the legislature's expectation

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and aspiration that it would make an appropriation from the general fund sufficient to pay the principal and interest on the obligations.

*** ANALYSIS FROM -0576/2 ***

~~STATE GOVERNMENT~~

~~STATE FINANCE~~

Currently, the ~~state~~ investment board may contract with outside investment advisers for the management of assets from any fund or trust under its control for investment in real estate, mortgages, equities, debt of foreign corporations and debt of foreign governments. Under current law, however no more than 15% of the total assets of the fixed retirement investment trust or 15% of the total assets of the variable retirement investment trust may be so contracted. This bill increases the cap from 15% to 25% of such funds.

*** ANALYSIS FROM -1731/3 ***

~~STATE GOVERNMENT~~

~~STATE FINANCE~~

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Under current law, the investment board ~~may~~ may establish a bonus compensation plan for the executive director and other employees of the board who are appointed in the unclassified service of the state. Under the plan, these employees may qualify for an annual bonus for meritorious performance, which is required to be distributed over a three-year period. Current law provides that total amount of bonuses awarded for any fiscal year may not exceed a total of 10% of the total annualized salaries of all unclassified employees of the board. In addition, no bonus awarded to an individual employee for any fiscal year may exceed a total of 25% of the annual salary of the employee. In awarding bonus compensation for a given period, the board must consider the performance of funds similar to those for which it has managing authority and market indices for the same period.

This bill authorizes the board to create two different bonus compensation plans for two different groups of employees. The first plan provides bonus compensation for the executive director, internal auditor, ~~employees appointed by the internal auditor who are appointed in the unclassified service of the state and other employees of the board who are in the unclassified service but~~ who are not investment professionals, as determined by the secretary of administration. This plan is identical to the bonus compensation plan established under current law, except that the total amount of bonuses awarded for any fiscal year may not exceed a total of 10% of the total annualized salaries of these employees ~~as compared to all unclassified employees~~.

The second plan provides bonus compensation for ~~employees of the board who are in the unclassified service of the state and~~ are investment professionals, as determined by the secretary of administration. The plan provides that total amount of bonuses awarded for any fiscal year may not exceed a total of 25% of the total annualized salaries of these employees. In addition, the plan provides that no bonus awarded to an individual employee for any fiscal year may exceed a total of 50% of the annual salary of the employee. Under the plan, there is no requirement that the bonus compensation must be paid out over a three-year period. The bill requires the board,

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in awarding bonuses to these employees, to consider the performance of funds similar to those for which it has managing authority and market indices for the same period.

*** ANALYSIS FROM -1733/2 ***

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, the investment board must make all purchases of materials, supplies, equipment or services through the department of administration (DOA). DOA may delegate authority to the board and other state agencies to make purchases independently of DOA, but any agency to which DOA delegates purchasing authority must adhere to all statutory requirements that would apply if DOA made the purchases. In making purchases, DOA and the agencies to which DOA delegates purchasing authority are required, subject to numerous exceptions, to make purchases by solicitation of bids or competitive sealed proposals preceded by public notice. Agencies must provide written justification for contractual service procurements and must comply with rules of DOA regarding conflicts of interest between contractors and agency employees. Agencies must offer the department of corrections (DOC) the opportunity to supply those materials, supplies, equipment or services that DOC is able to supply. Agencies must purchase computer services that are provided by DOA from DOA, unless DOA permits otherwise.

This bill permits the investment board to make all purchases independently of DOA, with or without public notice or solicitation of bids or proposals, except that the board must procure all stationery and printing from the lowest responsible bidder. Under the bill, the board is not subject to requirements that DOA and other executive branch agencies must adhere to in making purchases, except that the board must continue to adhere to certain current requirements, including a requirement for agencies to attempt to ensure that at least 5% of the amount they spend on purchases each year is paid to minority-owned businesses, a requirement for agencies to procure certain materials, supplies, equipment or services from work centers that employ handicapped individuals, requirements that agencies require contractors not to practice discrimination in employment and to take affirmative action to ensure equal employment opportunities, requirements that agencies use specifications developed by DOA that are designed to ensure maximum use of recycled and recovered materials and products made from materials that are recyclable or recoverable and to ensure that the paper they purchase has at least 40% recycled or recovered content and requirements that, whenever all other factors are substantially equal, agencies make purchases from Wisconsin-based businesses and purchase products made from American-made materials. Under the bill, the investment board may continue to make any of its purchases through DOA, in which case all current requirements continue to apply.

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to *** ANALYSIS FROM -1573/1 ***

STATE GOVERNMENT

STATE FINANCE

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Under current law, the secretary of administration must limit the total amount of any temporary reallocations from segregated funds to the general fund at any one

time during a fiscal year to an amount equal to 5% of the total appropriations of general purpose revenues, calculated by the secretary as of that time and for that fiscal year. This bill authorizes the secretary of administration to permit an additional 3% of the total appropriations of general purpose revenues to be used for temporary reallocations to the general fund but only if the reallocation is for a period not to exceed 30 days.

*** ANALYSIS FROM -1139/1 ***

~~STATE GOVERNMENT~~

~~STATE FINANCE~~

Currently, all state agencies, except the legislature and the courts, must submit budget requests to the department of administration (DOA) no later than September 15 of each even-numbered year. This bill directs those agencies to submit budget requests to DOA before each budget period on the date prescribed by DOA.

*** ANALYSIS FROM -1805/2 ***

~~STATE GOVERNMENT~~

~~STATE FINANCE~~

Current statutes contain a statement which states that "[n]o bill directly or indirectly affecting general purpose revenues ... may be enacted by the legislature if the bill would cause the estimated general fund balance on June 30 of any fiscal year ... to be an amount equal to less than one percent of the total general purpose revenue appropriations for that fiscal year plus any amount from general purpose revenue designated as "Compensation Reserves" for that fiscal year ...".

This bill revises that statement, for fiscal years 2000-01 and thereafter, to change the reference to the percentage of the general fund balance as follows:

1. For fiscal year 2000-01, 1.1% of general purpose revenue (GPR) appropriations for that fiscal year.
2. For fiscal year 2001-02, 1.2% of GPR appropriations for that fiscal year.
3. For fiscal year 2002-03, 1.4% of GPR appropriations for that fiscal year.
4. For fiscal year 2003-04, 1.6% of GPR appropriations for that fiscal year.
5. For fiscal year 2004-05, 1.8% of GPR appropriations for that fiscal year.
6. For fiscal year 2005-06 and thereafter, 2% of GPR appropriations for that fiscal year.

Neither the current statutes nor the bill affects the power of the legislature and the governor to enact legislation.

*** ANALYSIS FROM -1838/1 ***

~~STATE GOVERNMENT~~

~~STATE FINANCE~~

Under current law, the board of commissioners of public lands (BCPL) is responsible for managing certain lands held in trust by the state. The proceeds from these lands are deposited in the common school fund, the normal school fund, the university fund and the agricultural college fund (collectively, the "trust funds"). Under current law, BCPL may deduct expenses necessarily incurred in caring for and selling the lands from moneys deposited in the trust funds. ~~The expenses necessarily incurred in caring for public lands include expenses for reforestation,~~

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~~erosion and insect control, submerged log monitoring, surveys, appraisals and other land management practices that serve to protect or enhance the interests of the beneficiaries of the trust funds.~~ This bill provides that such expenses ~~also~~ include soil surveys and soil mapping activities.

*** ANALYSIS FROM -0481/2 ***

~~STATE GOVERNMENT~~~~STATE FINANCE~~

Under current law, ~~the board of commissioners of public lands (BCPL) is authorized to loan moneys from the common school fund, the normal school fund, the university fund and the agricultural college fund to certain local units of government.~~ Current law also provides that any such borrower, after March 15 and prior to August 1 of any year, may prepay any part of the loan without penalty. This bill provides that, if a borrower prepays the outstanding principal balance of the loan before the due date of the first instalment payment, BCPL may charge the borrower a fee to cover any administrative costs incurred by BCPL in originating and servicing the loan.

trust funds of

*** ANALYSIS FROM -0605/3 ***

~~STATE GOVERNMENT~~~~STATE FINANCE~~

Under current law, the governor may not administer and no board, commission or department may encumber or expend any block grant moneys received from the federal government under any federal law enacted after August 31, 1995, unless the governor first notifies the joint committee on finance (JCF) in writing that the block grant has been received. The written notice must contain an explanation of how the block grant moneys will be expended. If, within 14 working days, the cochairpersons of JCF have not notified the governor that JCF has scheduled a meeting for the purpose of reviewing the proposed expenditure of grant moneys, the moneys may be expended as proposed in the governor's notice. Otherwise, the moneys may not be expended except as approved by JCF. This type of approval process is referred to as a 14-day passive review.

This bill exempts from the 14-day passive review process the expenditure of block grant moneys that are allocated for certain public assistance and local assistance programs. The bill also changes the appropriations into which those block grants are deposited from continuing appropriations to annual appropriations. This change limits the department of workforce development's (DWD's) spending authority to the lesser of the amount specified in the appropriation or the amount received from the federal government.

*** ANALYSIS FROM -1542/2 ***

~~EDUCATION STATE GOVERNMENT~~~~HIGHER EDUCATION STATE BUILDING PROGRAM~~

This bill enumerates in the 1999-2001 state building program a full-scale aquaculture demonstration facility to be built at Ashland and to be operated by the board of regents of the University of Wisconsin (UW) System. ~~Under the bill, \$3,000,000 in program revenue supported borrowing is authorized for the~~

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of 1542/2]SEE, EDUCATION, HIGHER
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construction of the facility. The program revenue that will support the borrowing consists of moneys received by the state from the Indian gaming compacts. RAC

*** ANALYSIS FROM -2073/4 ***

STATE GOVERNMENT**OTHER STATE GOVERNMENT**

Wisconsin election campaign fund supplement

Currently, a candidate for legislative office at the general election or a special election may qualify to receive a grant from the Wisconsin election campaign fund to finance certain campaign expenses. The maximum amount of the grant that is available to such a candidate may be reduced if the balance in the legislative and special election campaign account does not contain sufficient money to provide all eligible candidates who apply and qualify for grants with the maximum grants to which the candidates are entitled. The amount of money in the legislative and special election campaign account and the other accounts of the Wisconsin election campaign fund depends in part upon the number of designations made to the fund by individuals filing income tax returns.

This bill creates an appropriation to transfer general purpose revenue into the legislative and special election campaign accounts in fiscal year 2000-01. Transfers \$750,000 in

The bill also directs the secretary of administration to submit proposed legislation relating to campaign finance reform and composition of the elections board to the cochairpersons of the joint committee on finance (JCF) no later than April 1, 1999.

*** ANALYSIS FROM -1254/5 ***

STATE GOVERNMENT**OTHER STATE GOVERNMENT**

State land information system

Currently, the department of administration (DOA) is authorized to develop and maintain a geographic information system relating to land in this state for the use of governmental and nongovernmental units. Currently, the land information board directs and supervises the land information program. The board is abolished effective September 1, 2003. Prior to September 1, 2003, counties must transfer to the land information board a portion of the fees collected by registers of deeds for recording documents. Revenue from these fees supports the operation of the board and the remainder is used to provide grants to counties for land records modernization projects.

This bill directs the land information board to transfer a portion of this fee revenue, prior to September 1, 2003, to DOA for the purpose of developing and maintaining a computer-based Wisconsin land information system, without direction or supervision from the board. Under the bill, DOA continues to be responsible for the development and maintenance of the system on and after September 1, 2003, but the bill provides no specific funding for this purpose.

The bill also authorizes DOA to conduct soil surveys and soil mapping activities. Under the bill, DOA may assess any state agency any amount that it determines to be required to conduct the surveys and mapping activities. In addition, the bill permits DOA to contract with the board of commissioners of public lands to conduct soil surveys and soil mapping activities on lands under the

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jurisdiction of that board. The bill appropriates to DOA all revenue received from state agencies to be used for soil surveys and soil mapping activities.

*** ANALYSIS FROM -1306/3 ***

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Subsub *state grants for local government planning*
This bill permits the department of administration (DOA) to award grants to counties, cities, villages, towns or regional planning commissions to be used to finance the cost of planning activities, including contracting for planning consultant services, public planning sessions and other planning outreach and educational activities, or for the purchase of computerized planning data, planning software or the hardware required to utilize that data or software. The grants are funded by federal moneys provided to this state for transportation-related planning activities. DOA must require any local governmental unit that receives a grant under the bill to finance at least 20% of the cost of the product or service to be funded by that grant from its own resources. All proposed expenditures to be made under any grant are subject to the written approval of the secretary of transportation.

*** ANALYSIS FROM -1265/7 ***

STATE GOVERNMENT

OTHER STATE GOVERNMENT

In S 162A
Sp 162A & B
With certain exceptions, current law imposes a penalty assessment on any person who is ordered to pay a fine or forfeiture for violating a state law or a local ordinance. The penalty assessment is set at 23% of the total amount of the fines or forfeitures imposed for the violation. The moneys collected from penalty assessments are currently credited directly to various appropriation accounts based on a formula in the statutes and the appropriation accounts specify the purposes for which the moneys may be used. These purposes currently include the following: 1) training for local law enforcement officers; 2) correctional officer training; 3) purchase of crime laboratory equipment; 4) matching federal funds provided for law enforcement; 5) county-tribal law enforcement projects; 6) diversion of youth from gang activities; 7) alcohol and other drug abuse prevention and treatment for minors; and 8) training for the state public defender's office.

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programs
This bill provides that, instead of being credited to specific appropriation accounts based on a statutory formula, all moneys collected from penalty assessments will be credited to a single appropriation account in the department of administration office of justice assistance (OJA). Specified amounts of the moneys in this OJA appropriation account will then be transferred to other appropriation accounts to be used for the same purposes as under current law, except that under the bill no penalty assessment moneys will be provided to fund county-tribal law enforcement projects. The bill also provides that penalty assessment moneys will be used for several new purposes, including information technology systems for the department of corrections (DOC), automated justice information systems and reimbursement to counties for the costs of providing crime victim and witness services.

*** ANALYSIS FROM -1692/1 ***

Under the bill, county-tribal law enforcement projects will be funded using revenue that the state receives under Indian gaming compacts.

on page 163

MDK



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0400/7

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DOA:.....Caucutt - National and Community Service Board transfer

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

ANS 162A:1

- 1 AN ACT ...; relating to: transfer of the national and community service board
- 2 from the department of administration to the department of health and family
- 3 services.

*** ANALYSES FROM - 0400/7***

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Subsub

National and community service board functions

9) Under current law, the national and community service board consists of at least 16 voting members who are appointed by the governor to represent various interests. The board is attached to the department of administration (DOA) but exercises policy making functions independently of DOA. The board utilizes federal moneys and moneys that it receives from gifts, grants and bequests to provide assistance to persons who operate service programs that address unmet human, educational, environmental or public safety needs.

the DOA for administrative purposes. The board

This bill transfers this board to the department of health and family services (DHFS). Under the bill, the board is attached to (DHFS) in the same way that it is currently attached to DOA.

Currently, the national and community service board makes "Wisconsin promise challenge grants" to countywide consortia of public and private entities

for administrative purposes

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which provide resources to underserved youth. This program expires on January 1, 2000. The bill transfers administration of this program to DOA.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.105 (24) (title) of the statutes is renumbered 15.195 (3) (title).

SECTION 2. 15.105 (24) (a) of the statutes is renumbered 15.195 (3) (a) and amended to read:

15.195 (3) (a) *Creation.* There is created a national and community service board which is attached to the department of ~~administration~~ health and family services under s. 15.03.

SECTION 3. 15.105 (24) (b) and (c) (intro.) and 1. to 4. of the statutes are renumbered 15.195 (3) (b) and (c) (intro.) and 1. to 4.

SECTION 4. 15.105 (24) (c) 4m. of the statutes is renumbered 15.195 (3) (c) 4m. and amended to read:

15.195 (3) (c) 4m. The secretary of ~~administration~~ health and family services or his or her designee.

SECTION 5. 15.105 (24) (c) 5. to 10., (d) and (e) of the statutes are renumbered 15.195 (3) (c) 5. to 10., (d) and (e).

SECTION 6. 16.22 of the statutes, as affected by 1999 Wisconsin Act (this act), is repealed.

SECTION 7. 16.22 (title), (1) and (2) (intro.) and (a) to (g) of the statutes are renumbered 46.78 (title), (1) and (2) (intro.) and (a) to (g).

SECTION 8. 16.22 (2) (h) of the statutes is renumbered 46.78 (2) (h) and amended to read:

STATE GOVERNMENT**~~OTHER STATE GOVERNMENT~~**

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the following

This bill requires the public service commission (PSC) to conduct a study on implementing retail consumer choice for all consumers of electricity in this state. The study, ~~which must be submitted to the legislature no later than 12 months after the effective date of this bill,~~ must address ~~certain specified issues, including:~~ 1) the infrastructure, taxation and statutory changes that are necessary for implementing retail choice; 2) recommendations for regulating new market entrants; 3) transitional, stranded and public benefits costs; and 4) the development and use of renewable energy resources.

*** ANALYSIS FROM -0631/1 ***

STATE GOVERNMENT**~~OTHER STATE GOVERNMENT~~**

MDK

Under current law, certain persons may file complaints with the ~~public service commission (PSC)~~ that allege a violation of the statutory provisions regarding public utilities ~~that are enforced by the PSC.~~ In addition, the PSC may, on its own motion, initiate a proceeding to determine whether such a violation has occurred.

This bill prohibits a person from filing a complaint, or making any other filing in a proceeding before the PSC, unless there is a nonfrivolous basis for doing so and unless each of the following is satisfied: 1) the filing is reasonably supported by applicable law; 2) the allegations in the filing have evidentiary support or are likely to have such support after further investigation or discovery; 3) the filing is not intended to harass another party to the proceeding; and 4) the filing is not intended to create a needless increase in the cost of litigation.

Within 60 days after a complaint is filed, the PSC must determine whether the complaint violates the bill's prohibitions. The bill also allows the PSC to determine at any time during a proceeding whether a person has made a filing that violates the prohibitions. If the PSC determines that there is a violation, the PSC must order the violator to pay the reasonable expenses that any other party to the proceeding incurred because of the filing. In addition, the PSC may directly assess a forfeiture of between \$25 and \$5,000 against the violator.

*** ANALYSIS FROM -1976/1 ***

~~STATE GOVERNMENT~~**~~OTHER STATE GOVERNMENT~~**

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This bill allows the ~~public service commission (PSC)~~ to approve a tariff filed by an electric public utility that allows a firm customer of the utility to sell unused firm service to an interruptible customer of the utility. The bill defines a "firm customer" as an industrial or commercial customer that receives "firm service", which is defined as retail electric service that is provided on a noninterruptible basis. An "interruptible customer" is defined as an industrial or commercial customer that receives retail electric service on an interruptible basis. The PSC may approve such a tariff if it determines that such sales contribute to energy conservation and load management that are designed to reduce the energy needs of firm customers. If a firm customer contracts with an interruptible customer for such a sale under a tariff

approved under the bill, the public utility must replace the firm service that is sold by the firm customer with interruptible service, and provide firm service to the interruptible customer in amount that is equal to 80% of the amount of firm service that is sold.

*** ANALYSIS FROM -0632/1 ***

~~STATE GOVERNMENT~~

~~OTHER STATE GOVERNMENT~~

Under current law, the ~~public service commission (PSC)~~ may, under certain circumstances, obtain from any public utility any information necessary for the PSC to perform its duties and order a public utility to produce certain records. Under this bill, the PSC may require a telecommunications utility to submit information only if the PSC reduces, to the extent practicable, any burden on the telecommunications utility that results from complying with the requirement. In addition, a telecommunications utility is not required to provide information to the PSC unless the PSC certifies that the information is necessary for the PSC to enforce a statutory requirement and that the information is not unnecessarily duplicative of information that is already in the PSC's possession. ~~The bill requires the PSC to promulgate rules for making the certification required under the bill.~~ *MDK*

Also under current law, the PSC is allowed to withhold from public inspection any information that aids a competitor of a public utility. Under this bill, the PSC is required to withhold such information from public inspection. The PSC is also required to withhold from public inspection any information that is designated as confidential by a public utility when it is submitted to the PSC and that the public utility shows to the satisfaction of the PSC may aid a competitor of the public utility. *Under the bill*

*** ANALYSIS FROM -2027/1 ***

~~STATE GOVERNMENT~~

~~OTHER STATE GOVERNMENT~~

Under current law, a tariff filed with the ~~public service commission (PSC)~~ in which a telecommunications utility offers either a new telecommunications service or promotional rates may not take effect before ten days after the tariff is filed. Under certain specified circumstances, the PSC may also suspend the effectiveness of such a tariff. This bill provides that such a tariff is effective on the date specified in the tariff, unless the PSC suspends the effectiveness of the tariff as allowed under current law. *MDK*

*** ANALYSIS FROM -1618/2 ***

~~STATE GOVERNMENT~~

~~OTHER STATE GOVERNMENT~~

Subsub
Resource recovery and recycling
This bill deletes requirements for the department of administration (DOA) to submit an annual report to the governor and legislature relating to the state resource recycling and recovery program and to submit an annual report to the recycling market development board regarding DOA's resource recovery and recycling activities. (Under current law, the requirement for the report to the recycling market development board is deleted effective June 30, 2001.) The bill also deletes a requirement for DOA to maintain a clearinghouse of information regarding products *recovery and recycling*

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made from recycled or recovered materials for purchase by state agencies and authorities. In addition, the bill repeals an appropriation to DOA from the recycling fund to finance DOA's recycling procurement specifications functions and administration of the recycled materials clearinghouse.

*** ANALYSIS FROM -1495/4 ***

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STATE GOVERNMENT

Subsub

State master lease program

~~OTHER STATE GOVERNMENT~~

Currently, ~~the department of administration~~ (DOA) may enter into a "master lease" for the lease of goods or the provision of services on behalf of one or more state agencies. This procedure may be used in lieu of direct procurement of goods or services and in some cases is used to finance the acquisition of goods by the state.

This bill permits DOA to use a master lease to obtain any property (real or personal) or services on behalf of a state agency, except that DOA may not use a master lease to obtain facilities for use or occupancy by the state or to obtain internal improvements (public works).

The bill also permits DOA to use a master lease to obtain any property or services related to public safety functions on behalf of a local government.

Currently, DOA may undertake energy conservation construction projects. These projects are different from other state building projects in that they are undertaken outside the authorized state building program and are not subject to public notice and bidding requirements. Under such a project, the contractor guarantees energy savings to be realized by the state in a stated amount within a specified period, and, if the savings are not realized by the state within that period, the contractor need not be paid by the state for any difference between the amount specified in the contract and the savings realized. Currently, the contractor must undertake construction of any project at its own expense. Under ~~the~~ bill, the state or the contractor may finance the cost of construction. If the state finances the cost of construction and the savings resulting from the construction within the period specified in the audit are less than the amount specified in the contract, the contractor must remit the difference to the state. The bill provides that, if a master lease is used to finance payments to be made to a contractor who is engaged in such a construction project, the payments under the lease may not be conditioned upon any payment required to be made by the contractor resulting from the contractor's guarantee. (this)

*** ANALYSIS FROM -2005/4 ***

STATE GOVERNMENT

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Subsub

Glass ceiling initiative

~~OTHER STATE GOVERNMENT~~

This bill creates a glass ceiling board which is attached to ~~the department of administration~~ (DOA). The board consists of two senators and two representatives to the assembly, chosen in the same manner as members of standing committees are chosen; and 21 other members appointed by the governor to serve for three-year terms, selected in part from persons holding positions in the private sector and in part from persons holding positions in the public sector. The board is directed to:

for administrative purposes

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1. Administer an annual "Governor's Glass Ceiling Award Program" to recognize Wisconsin businesses and organizations that advance or promote the advancement of women and minority group members to upper-level management positions.

2. Conduct outreach and provide other resources to disseminate information to employers on glass ceiling issues and effective programs that have helped eliminate barriers to promotion of women and minority group members to upper-level management positions.

3. Identify businesses and industries that provide exceptional opportunities for women and minority group members to advance to upper-level management positions, and, whenever appropriate, promote the expansion of such businesses and industries in this state.

4. Actively promote the appointment of qualified women and minority group members to public and private governing bodies.

Under the bill, the
~~The governor designates the chairperson of the board. The women's council is directed to provide staffing and other support services to the board and to pay any expenses not otherwise provided for to operate the board. Members of the board are entitled to reimbursement of actual and necessary expenses incurred in the performance of their functions.~~

required

*** ANALYSIS FROM -1739/1 ***

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Ethics and lobbying law
 This bill permits the governor, upon request of the ethics board, to employ special counsel for the purpose of assisting the board in investigating or prosecuting an alleged violation of the lobbying regulation law or the code of ethics for state public officials and employees. The counsel is paid from a sum sufficient appropriation for the compensation of special counsel.

Currently, neither the governor nor the ethics board is authorized to employ special counsel for this purpose.

*** ANALYSIS FROM -1771/1 ***

STATE GOVERNMENT

OTHER STATE GOVERNMENT

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 INSERT FROM P.170
 This bill directs the legislative reference bureau (LRB) to produce a bill draft creating cultural arts authorities, based on instructions provided by the department of administration (DOA). The secretary of DOA shall submit the bill to the cochairpersons of the joint committee on finance (JCF) no later than April 1, 1999.

*** ANALYSIS FROM -0417/2 ***

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, the department of administration (DOA) may make grants that do not exceed \$50,000 each to counties and municipalities, community action agencies and private, nonprofit organizations for the purpose of providing housing and associated support services to homeless families and individuals. *The* bill removes the dollar limit on the grants so that a grant of any size may be awarded.

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*** ANALYSIS FROM -1554/6 ***

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, a county that contains a federally recognized Indian reservation may enter into an agreement with the Indian tribe to establish a cooperative county-tribal law enforcement program. The department of justice (DOJ) gives aid to counties and tribes to implement these cooperative county-tribal law enforcement programs. Currently, the aid that DOJ gives to counties and tribes comes both from the general fund and from receipts from the penalty assessment surcharge that is levied on any fine or forfeiture imposed for a violation of a state law or a local ordinance.

This bill changes the source of funding for the aid that DOJ gives to cooperative county-tribal law enforcement programs. Instead of coming from the general fund and receipts from the penalty assessment surcharge, the aid will be funded using revenue that the state receives under Indian gaming compacts.

*** ANALYSIS FROM -1413/3 ***

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Current law provides various grant programs to local and tribal law enforcement agencies. This draft creates a grant program in the office of justice assistance (OJA) in the department of administration (DOA) that will provide money to fund the law enforcement operations of federally recognized Indian tribes and bands in this state. The tribes and bands must apply to OJA for a grant and must propose a plan for spending the grant money. OJA must review grant applications and the use of any grant money provided. OJA also must develop criteria and procedures for use in administering the grant program.

*** ANALYSIS FROM -1266/3 ***

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Currently, if requested to do so by the head of a state department, the department of justice (DOJ) defends the state department or any state officer, employe or agent of the state department in a civil action brought against that department or person for an act growing out of his or her official duties. In addition to receiving general program revenue, the attorney general is paid by state departments for the legal services provided under contracts or understandings between DOJ and the other departments.

This bill provides that any money that is received by DOJ as the result of a contract or understanding between DOJ and another state agency that is approved by the joint committee on finance (JCF) or as part of the biennial budget act shall be credited to an appropriation account for use by DOJ. The bill provides that any money collected by DOJ under a contract or understanding with a state agency that is not approved by JCF or as part of the biennial budget act shall be paid into the general fund. In addition, the bill provides that a state agency may not be charged for legal services provided to that agency by DOJ if that agency is not specifically

DOJ is not required
by statute to provide
legal services +

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 listed as one that DOJ provides legal services to and if that agency does not have a contract or understanding with DOJ that is approved by the JCF or as part of the biennial budget act.

*** ANALYSIS FROM -1084/1 ***

LOCAL GOVERNMENT

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Subsub

State-employee addresses and telephone numbers

Under current law, any person may inspect, copy or receive a copy of a public record unless the record is specifically exempted from access under state or federal law or authorized to be withheld from access under state law, or unless the custodian of the record demonstrates that the harm done to the public interest by providing access to the record outweighs the strong public interest in providing access. Applying this test, the courts have denied requests for access to some personnel records of public employees, such as home addresses of law enforcement officers. See *State ex rel. Journal/Sentinel, Inc. v. Arreola*, 207 Wis. 2d 496, 516 (Ct. App., 1996).

This bill specifically authorizes the custodian of any record of a state or local governmental unit to withhold from access information contained in a record of the governmental unit pertaining to the home address or home telephone number of an employee of that governmental unit.

*** ANALYSIS FROM -1781/3 ***

STATE GOVERNMENT

JTK

Subsub

Expenditure authority of department of administration

Currently, general purpose revenue is appropriated to the department of administration (DOA) in separate appropriations for general program operations and for the operation of the state prosecution system (compensation of district attorneys and their deputies and assistants). This bill consolidates those appropriations.

Currently, program revenue is appropriated to DOA in separate appropriations for: 1) transportation services; 2) printing, mail distribution and record services; 3) financial services; and 4) other services, except building construction services, telecommunications and data processing services, information technology services and projects and Wisconsin land council services. The revenue is derived from moneys received from other state agencies. This bill consolidates those four appropriations.

Under the consolidations, revenue collected for one purpose may be used by DOA for a different purpose within the same appropriation account, subject to budgetary intent of the governor, joint committee on finance (JCF) and legislature, as specified in various budgetary documents.

*** ANALYSIS FROM -1679/2 ***

STATE GOVERNMENT

JTK

Subsub

Funding source for department of administration positions

Currently, with limited exceptions, no state agency for which full-time equivalent positions have been authorized may change the funding source for any position that was provided by the legislature, the joint committee on finance (JCF).

JTK

or the governor at the time the position was authorized or at the time the funding source was last changed.

This bill permits ~~the department of administration (DOA)~~ during the period beginning on the day on which the bill becomes law and ending on June 30, 2001, or on the day before publication of the 2001-03 biennial budget act, whichever is later, to change the funding source for any position authorized for DOA to carry out its functions with respect to supervision and management, the land information board, risk management, facilities management, housing assistance or gaming regulation if the position is currently funded from program revenue ~~(whether received from inside or outside of state government)~~ and the funding for the position would remain funded from program revenue that is collected by DOA to carry out one of these functions. The bill provides that any change in the funding source for a position made under this paragraph remains in effect after the period specified in the bill unless changed in accordance with current procedures. The bill also directs the secretary of administration to report quarterly to the cochairpersons of JCF concerning the positions for which the funding source has been changed under the bill.

the bill

*** ANALYSIS FROM -1821/4 ***

~~STATE GOVERNMENT~~

JTK

~~OTHER STATE GOVERNMENT~~

Subs = Arrangements between Governor and state agencies
This bill permits the governor to enter into cooperative arrangements with state agencies under which the agencies provide assistance to the governor in carrying out his or her responsibilities. The bill also permits the governor to expend any moneys received from the agencies to carry out these arrangements. Currently, the governor is not expressly authorized to enter into such arrangements.

*** ANALYSIS FROM -1850/1 ***

~~STATE GOVERNMENT~~

JTK

~~OTHER STATE GOVERNMENT~~

Subs = legislative technology bureau services
This bill permits the director of the legislative technology services bureau, by lease agreement, to purchase and install computer networking equipment to serve facilities of state agencies that are located in the same building in which a legislative branch office is located or in an adjacent building, and to provide related maintenance and support services to such agencies. Currently, the bureau is authorized and directed to provide and coordinate information technology support and services to the legislative branch of state government only.

*** ANALYSIS FROM -1891/1 ***

~~STATE GOVERNMENT~~

JTK

~~OTHER STATE GOVERNMENT~~

Subs = Consolidation of state vehicle fleet management functions
This bill directs the department of administration (DOA) to submit for consideration of the joint committee on finance (JCF) at its fourth quarterly meeting under s. 13.10, stats., in 1999, an implementation plan for consolidating the vehicle fleet management functions of the department of natural resources (DNR) with the corresponding functions of DOA. The bill also directs DOA to submit for consideration of JCF at its third quarterly meeting under s. 13.10, stats., in the year 2000 an implementation plan for consolidating the vehicle fleet management

JTK

functions of the department of transportation (DOT) and the University of Wisconsin-Madison (UW-Madison) with the corresponding functions of DOA.

Assets and liabilities, tangible personal property, full-time equivalent positions, incumbent employees, contracts, rules, orders and pending matters may be transferred to DOA under the plans. The bill permits JCF to approve or to modify and approve the plans. If JCF approves a plan, with or without modifications, DOA may implement that plan. If JCF does not approve any plan, DOA may not implement that plan.

*** ANALYSIS FROM -1969/P2 ***

STATE GOVERNMENT

[keep] OTHER STATE GOVERNMENT

This bill requires the legislative reference bureau (LRB) to prepare legislation based on final drafting instructions submitted not later than March 1, 1999, to the LRB by the department of administration (DOA), authorizing the development of a statewide protocol for licensing authorities and law enforcement agencies in conducting compliance surveys to determine the prevalence of illegal retail sales of tobacco products to underage persons. The bill requires the secretary of DOA to submit the proposed legislation to the cochairpersons of the joint committee on finance (JCF) not later than April 1, 1999.

TAY
move to
* on
P-166

*** ANALYSIS FROM -1917/1 ***

TAXATION

MES

INCOME TAXATION

This bill makes various changes in the structure of the individual income tax system. The bill modifies the calculation of adjusted gross income (AGI), prohibits new claims from being made under certain income tax credits, creates a personal exemption, modifies the itemized deductions credit and modifies the sliding scale standard deduction and the tax rates and brackets.

Under current law, the standard income tax deduction has four different categories, each of which has a different deduction amount based on income. The maximum standard deduction amounts in each category phase out as income increases. The categories, the maximum standard deduction amounts and the maximum income amounts to which the standard deduction applies before the phaseout begins are the following: single individuals, \$5,200 on Wisconsin AGI (WAGI) of less than \$7,500; heads of households, \$7,040 on WAGI of less than \$7,500; married couples filing jointly, \$8,900 on WAGI of less than \$10,000; and married couples filing separately, \$4,230 on WAGI of less than \$4,750.

This bill retains the same four categories and increases the maximum income at which the standard deduction reaches \$0. Under this bill, for taxable years beginning after December 31, 1999, the categories, the maximum standard deduction amounts and the maximum income amounts to which the standard deduction applies before the phaseout begins are the following: single individuals, \$7,200 on WAGI of less than \$10,380; heads of households, \$9,300 on WAGI of less than \$10,380; married couples filing jointly, \$12,970 on WAGI of less than \$14,570; and married couples filing separately, \$6,160 on WAGI of less than \$6,920.

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WISCONSIN ACT

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Under current law, the dollar amounts of the standard deduction and the dollar amounts of (WAGI) are indexed for inflation for taxable years that begin after December 31, 1998. The bill suspends indexing for taxable year 2000.

Under current law, there are three income tax brackets for single individuals, certain fiduciaries, heads of households and married persons. ~~The brackets for single individuals, certain fiduciaries and heads of households are taxable income from \$0 to \$7,500; from more than \$7,500 to \$15,000; and more than \$15,000. The brackets for married persons filing jointly are taxable income from \$0 to \$10,000; from more than \$10,000 to \$20,000; and more than \$20,000. The brackets for married persons filing separately are taxable income from \$0 to \$5,000; from more than \$5,000 to \$10,000; and more than \$10,000.~~

~~The rate of taxation under current law for the lowest bracket for single individuals, certain fiduciaries, heads of households and married persons is 4.77% of taxable income, the rate for the middle bracket is 6.37% and the rate for the highest bracket is 6.77%.~~

(Not) → This bill expands the number of brackets to four and lowers the rate of taxation in all four brackets in taxable year 2000. The bill also lowers the rate of taxation for taxable year 2001 and all taxable years thereafter for the first three brackets. ~~Under the bill, the brackets for single individuals, certain fiduciaries and heads of households for taxable year 2000 are taxable income from \$0 to \$7,500; from more than \$7,500 to \$15,000; from more than \$15,000 to \$112,500; and more than \$112,500. The brackets for married persons filing jointly are taxable income from \$0 to \$10,000; from more than \$10,000 to \$20,000; from more than \$20,000 to \$150,000; and more than \$150,000. The brackets for married persons filing separately are taxable income from \$0 to \$5,000; from more than \$5,000 to \$10,000; from more than \$10,000 to \$75,000; and more than \$75,000. The brackets remain the same for taxable year 2001 and are indexed for inflation in taxable years thereafter.~~

~~Under this bill, for taxable year 2000, the rate of taxation for the lowest bracket for single individuals, certain fiduciaries, heads of households and married persons is 4.73% of taxable income, the rate for the next bracket is 6.33%, the rate for the next bracket is 6.55% and the rate for the highest bracket is 6.75%.~~

~~Under this bill, for taxable year 2001 and all taxable years thereafter, the rate of taxation for the lowest bracket for single individuals, certain fiduciaries, heads of households and married persons is 4.6% of taxable income, the rate for the next bracket is 6.15%, the rate for the next bracket is 6.5% and the rate for the highest bracket remains at 6.75%.~~

Under current law, the individual income tax brackets are indexed for inflation for taxable years beginning after December 31, 1998. This bill suspends indexing until taxable years beginning after December 31, 2001.

Under current law, after an individual calculates his or her gross tax liability, several tax credits may be calculated to reduce his or her gross tax liability. Some credits, like the earned income tax credit and the homestead tax credit, are refundable. Some credits, like the school property tax credit, the working families tax credit and the married persons credit, are nonrefundable. Generally, with a refundable credit, if the amount of the claim exceeds the taxpayer's tax liability, or

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if there is no tax due, the excess amount of the credit is paid to the claimant by a check from the state. With a nonrefundable credit, the amount of the credit is available only up to the amount of the taxpayer's tax liability.

Under this bill, for taxable years beginning after December 31, 1999, no new claims may be filed for the following nonrefundable tax credits: the school property tax credit, the working families tax credit, the dependent credit and the senior credit. ~~The bill does not affect any of the refundable tax credits.~~ In addition, the bill increases the married persons tax credit from a maximum credit of \$385 to \$440 in taxable year 2000 and from a maximum of \$420 to \$480 in taxable years beginning after December 31, 2000.

Under current law, the department of revenue (DOR) may not adjust the withholding tables to reflect the changes made to the tax rates, changes in dollar amounts with respect to bracket indexing and with respect to standard deduction indexing for taxable years that begin before January 1, 2000. Under this bill, DOR must adjust the withholding tables to reflect the changes made to the tax rates and changes in dollar amounts with respect to bracket indexing that are made in this bill on July 1, 2000.

Under current law, for claims filed in 1991 and thereafter, the homestead tax credit threshold income is \$8,000, the maximum property taxes that a claimant may use in calculating his or her credit are \$1,450 and the maximum income is \$19,154. This bill changes current law starting with claims filed in 2000. Under this bill, for claims filed in 2000 and thereafter, the maximum income is raised to \$20,290. The threshold income and maximum property taxes remain the same as under current law.

This bill also modifies the nonrefundable itemized deductions credit. Under current law, the itemized deductions credit is calculated as 5% of the difference between the sum of certain amounts that are allowed as itemized deductions under the Internal Revenue Code and the standard deduction. Some amounts that are allowed as itemized deductions under the Internal Revenue Code, such as casualty and theft deductions and interest incurred to purchase or refinance a residence that is not a principal residence and that is not located in this state, are not allowed in the calculation of the itemized deductions credit. Under this bill, miscellaneous itemized deductions that are allowed as itemized deductions under the Internal Revenue Code are not allowed under the itemized deductions credit.

The bill creates a personal exemption for a taxpayer, the taxpayer's spouse and the taxpayer's dependents. The personal exemption is \$600 for each of these persons in taxable year 2000 and \$700 for taxable years that begin after December 31, 2000. An additional personal exemption exists for taxpayers who are at least 65 years old. This additional exemption is \$200 for taxable year 2000 and \$250 for taxable years that begin after December 31, 2000.

In general, under current law, 50% of certain social security benefits are taxed by this state once the recipient's income reaches \$34,000 for a single individual or \$44,000 for a married couple filing jointly, while the federal government taxes 85% of these same benefits. This bill repeals the state's treatment of social security benefits, thus taxing the benefits at the same rate as the federal government.

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The bill also repeals

a higher rate,
which is

*** ANALYSIS FROM -1837/5 ***

JK

~~TAXATION~~~~INCOME TAXATION~~

Under current law, when computing corporate income taxes and franchise taxes, a formula is used to attribute a portion of a corporation's income to this state. The formula has three factors: a sales factor, a property factor and a payroll factor. The sales factor represents 50% of the formula and the property and payroll factors each represent 25% of the formula. When computing income taxes and franchise taxes for an insurance company, a formula with a premium factor and a payroll factor is used to attribute a portion of an insurance company's income to this state.

Under this bill, beginning on January 1, 2000, the sales factor will be the only factor used to attribute a portion of a corporation's income to this state and the premiums factor will be the only factor used to attribute a portion of an insurance company's income to this state.

The bill broadens the definition of "sales" as it relates to the sales factor used to apportion income for tax purposes. Receipts from the lease or rental of motor vehicles, rolling stock, aircraft and vessels used in this state are included in the sales factor. The sales factor also includes the royalties for the use of intangible property, the sales of intangible property and receipts from the performance of services.

*** ANALYSIS FROM -1689/4 ***

JK

~~TAXATION~~~~INCOME TAXATION~~

Under current law, each separate corporation doing business in this state must file a tax return with the department of revenue (DOR) reporting its net income. A corporation's net income includes interest, dividends and the sale of intangible assets received by the corporation from another corporation if the corporations are a unitary business. A unitary business is, generally, an affiliated group of corporations that operate as a unit and is characterized by centralized management and decision making. Under current law, separate corporations that are part of a unitary business are not required to file a combined tax return. Instead, a corporation doing business in this state that is part of a unitary business files a separate return.

This bill requires that an affiliated group of corporations that is part of a unitary business file a combined tax return with DOR. The bill creates a presumption that all corporations that are part of an affiliated group are unitary and must file a combined return.

*** ANALYSIS FROM -1785/P3 ***

AGRICULTURE

Under current law, one of the eligibility requirements for the farmland preservation credit is that the land to which the claim relates must be subject either to a farmland preservation agreement or to an exclusive agricultural use zoning ordinance that is certified by the land and water conservation board (LWCB). Land that is not subject to exclusive agricultural use zoning may only become subject to a farmland preservation agreement if the county in which the land is located has an

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agricultural preservation plan that is certified by LWCB. A farmland preservation agreement is between the landowner and the department of agriculture, trade and consumer protection (DATCP). The agreement commits the owner to keep the land in agricultural use for the duration of the agreement, up to 25 years, although the law allows DATCP to release land from an agreement under certain circumstances. Under current law, in some of the circumstances under which DATCP may release land from a farmland preservation agreement, or if land is rezoned from exclusive agricultural use, DATCP is required to file a lien against the land for the amount of the farmland preservation credit received by the owner during the preceding ten years.

For taxable years beginning after December 31, 2000, this bill eliminates the requirement that land must be subject to a farmland preservation agreement or exclusive agricultural use zoning for the owner to qualify for the farmland preservation credit. See **TAXATION**. The bill prohibits DATCP from entering into additional farmland preservation agreements after the bill takes effect. The bill requires DATCP to release land from an existing farmland preservation agreement at the request of the owner. DATCP is required to file a lien against the land for the amount of the farmland preservation credit received by the owner during the preceding ten years unless the land qualifies for release under one of the current circumstances under which a lien is not required. Under the bill, land that is rezoned from exclusive agricultural use zoning after December 31, 2000, is not subject to a lien. This bill also eliminates the statutory provisions concerning county agricultural preservation plans.

Under current law, another eligibility requirement for the farmland preservation credit is that the land must be farmed in compliance with a soil and water conservation plan or with soil and water conservation standards established by the county and approved by LWCB. Under the bill, beginning on January 1, 2001, all claimants must comply with the soil and water conservation standards. The bill requires counties to revise the standards so that they are consistent with the tolerable erosion established by LWCB and with nutrient management rules promulgated by DATCP.

Under current law, an exclusive agricultural use zoning ordinance must generally provide that the minimum parcel size to establish a residence or a farm operation is 35 acres. This bill eliminates that requirement effective January 1, 2001, and requires instead that an exclusive agricultural use ordinance must specify a minimum lot size.

TAXATION

INCOME TAXATION

Under current law, an eligible claimant may recover a certain amount of property taxes paid through the refundable farmland preservation credit. A refundable tax credit means that, if the amount of the credit which is otherwise due an eligible claimant exceeds the claimant's tax liability, or if there is no outstanding tax liability, the excess amount of the credit is paid to the claimant by check.

One of the current law eligibility requirements for the farmland preservation credit is that the farmland to which the claim relates must be subject to either a

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farmland preservation agreement or to a county exclusive agricultural use zoning ordinance. ~~A farmland preservation agreement and an exclusive agricultural use zoning ordinance~~ requires the claimant to abide by certain soil and water conservation standards. ~~A farmland preservation agreement is generally entered into for a term of ten to twenty-five years, although the parties may agree to relinquish the agreement under certain circumstances. Also under current law, a claimant is required to supply a number of documents to the department of revenue (DOR) in support of the claimant's application. The required documents include a copy of the property tax bill relating to the farmland, certification by the claimant that all taxes owed by the claimant on the property for which the claim is made for the year before the year for which the claim is made have been paid and a copy of the farmland preservation agreement or a certificate of the appropriate zoning authority.~~

The current law credit is computed under a formula that is based on property taxes accrued on the claimant's farmland in the preceding calendar year, the claimant's household income and the contract, planning or zoning provisions that cover the farmland. ~~The maximum credit that a claimant could be eligible for is \$4,200, and the minimum credit that an eligible claimant could receive is \$600. The maximum credit for which the claimant would otherwise be eligible is reduced based on the zoning ordinances that are in effect in the county in which the farmland is located, although the minimum credit is never less than \$600 for an eligible claimant.~~

NO

This bill retains most of the current law's formulas but, for taxable years beginning after December 31, 2000, the formulas do not include any tie to farmland preservation agreements, exclusive agricultural use zoning or county preservation plans. **See AGRICULTURE.** ~~Under the bill, the claimant must provide DOR with a number of documents that must also be provided under current law, such as a copy of the property tax bill relating to the farmland and certification by the claimant that all taxes owed by the claimant on the property for which the claim is made for the year before the year for which the claim is made have been paid. The bill also requires that the claimant provide DOR with a certificate of compliance, issued by the land conservation committee of each of the counties that have jurisdiction over the farmland, that certifies that certain soil and water conservation standards that apply to the farmland are being met. For new claims that are filed for taxable years beginning after December 31, 2000, the maximum credit that a claimant could be eligible for is \$2,100. In addition, new claims may be filed for a taxable year that begins after December 31, 2002.~~ *reduced from current law levels and no*

The bill also creates a new, refundable farmland preservation acreage credit. This credit may be claimed by any person who is an eligible claimant under the farmland preservation credit. Under the acreage credit, a claimant who sells, donates or otherwise transfers the development rights to the claimant's farmland to a nonprofit entity or to the state or to a political subdivision (a city, village, town or county) may claim the credit. ~~The credit is equal to 50 cents for each acre that the claimant sells, donates or otherwise transfers if the claimant retains farming rights on the farmland, or 30 cents for each acre if farming rights are not retained.~~ The bill

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defines "development rights" as a holder's nonpossessory interest in farmland that imposes a limitation or affirmative obligation, the purpose of which is to retain or protect natural, scenic or open space values of farmland, assuring the availability of farmland for agricultural, forest, wildlife habitat or open space use, protecting natural resources or maintaining or enhancing air or water quality.

~~If the claimant sells, donates or transfers the farmland development rights to a nonprofit entity, the credit may not be claimed unless the nonprofit entity enters into a written agreement with DATCP that requires that certain standards for the management of the farmland be met and requires that any future sale, donation or transfer of the development rights to the farmland meet certain conditions. The conditions for such a transfer include a requirement that the nonprofit entity may sell, donate or transfer the development rights only to the state or to a political subdivision, or to another nonprofit entity that enters into another written agreement with DATCP that is similar to the agreement entered into between DATCP and the nonprofit entity that most recently held the development rights to the farmland.~~

A nonprofit entity may develop the farmland with the written consent of the owner of the property and of DATCP, but only in a way that retains or protects natural, scenic or open space values of the farmland, ~~assuring the availability of farmland for agricultural, forest, wildlife habitat or open space use, protecting natural resources or maintaining or enhancing air or water quality.~~

→ If a claimant sells, donates or otherwise transfers development rights to a political subdivision, the political subdivision may develop the farmland only in a way that is consistent with certain comprehensive planning requirements.

The acreage credit may only be claimed by the claimant who owns the farmland when the development rights are initially transferred, ~~and only after the claimant files with the register of deeds of each county in which the farmland is located a certificate that verifies that such rights have been transferred.~~ No new claims may be filed under the acreage credit for taxable years that begin after December 31, 2002.

*** ANALYSIS FROM -0574/1 ***

~~TAXATION~~

~~INCOME TAXATION~~

Current law provides a tuition expenses subtraction, or deduction, from federal adjusted gross income for an amount paid, up to \$3,000 per year per student, for tuition to attend a university, college, technical college or other approved school that is located in this state or that is subject to the Minnesota-Wisconsin reciprocity, agreement. The subtraction is phased out at certain income levels. Also under current law, nonresidents and part-year residents of this state may claim a prorated amount of the subtraction, ~~based on a fraction, the numerator of which is the individual's wages, income and net earnings from a trade or business that are taxable by this state and the denominator of which is the individual's total wages, income and net earnings from a trade or business. The subtraction is further limited to the total wages, income and net earnings from a trade or business taxable by this state.~~

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From p. 178;
NOT

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Under federal law, the amounts claimed under the state tuition expenses subtraction may also be claimed as a federal itemized deduction if the expenses are job related. ~~Also under current law, the state itemized deductions credit is a percentage of a number of the federal itemized deductions. Consequently, certain taxpayers will receive a double benefit when claiming the deduction for tuition expenses and the itemized deduction credit.~~

NOT

Under this bill, amounts claimed as a deduction under the tuition expenses subtraction may not be used in calculating the itemized deductions credit.

*** ANALYSIS FROM -0762/P1 ***

~~TAXATION~~~~INCOME TAXATION~~

MES

Under current law, an individual income tax refund that is payable on the basis of a joint return must be issued jointly to the persons who filed the return. Under this bill, if the department of revenue (DOR) is sent a copy of a formerly married couple's divorce judgment and that judgment apportions any tax refund that may be due the former couple, DOR is required to send the refund check to the person to whom the tax refund is apportioned, or one check to each of the former spouses, according to the apportionment that is specified under the terms of the judgment.

*** ANALYSIS FROM -0575/P3 ***

~~TAXATION~~

MES

~~INCOME TAXATION~~

Currently, Wisconsin Statutes provide that alimony and supplemental unemployment compensation that are deducted for federal income tax purposes and paid while the individual is a nonresident of Wisconsin must be added back to the individual's federal adjusted gross income when computing Wisconsin taxable income. This means that alimony and supplemental unemployment compensation that is paid while an individual is not a resident of this state may not be claimed as a deduction for Wisconsin income tax purposes.

NOT

→ In the case of *Christopher H. Lundberg, Et Al.*, ^{Similar} *v. New York Tax Appeals Tribunal Et Al.*, the U.S. Supreme Court ruled that a New York law which denies nonresident taxpayers an income tax deduction for alimony violates the Privileges and Immunities clause of the U.S. Constitution.

NOT

→ This bill changes the Wisconsin Statutes to conform to the U.S. Supreme Court's decision in the *Lundberg* case. ^{New York}

*** ANALYSIS FROM -0549/P1 ***

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~~TAXATION~~~~INCOME TAXATION~~

three

The department of commerce (department) administers 3 types of development zone programs: 1) the development zone program; 2) the development opportunity zone program; and 3) the enterprise development zone program. Generally, after the department designates an area as one of the 3 types of development zones, a person or corporation that conducts or that intends to conduct economic activity in the designated zone is or may be certified by the department as eligible for certain tax credits.

one of these credits under a 90-day requirement

The calculation of the ~~current development zones jobs credit~~ is based in part on a claimant's hiring "members of a targeted group" as defined in the Internal Revenue Code (IRC), including persons to whom ~~state law regarding advance notice of plant closings applies~~, who are certified by the department and who are also subject to certification rules under the IRC. ~~The certification of an employee under current law must occur within the 90-day period beginning with the first day of employment of the employee by the claimant.~~

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This bill deletes the requirement that certification must occur within this 90-day period. Under the bill, the certification must occur within the period beginning with the first day of employment of the employee. The changes in this bill also apply to the development zones credit.

*** ANALYSIS FROM -0573/P2 ***

~~TAXATION~~

~~INCOME TAXATION~~

Current law provides a subtraction from federal adjusted gross income for an amount paid, up to \$3,000 per year per student, for tuition to attend a university, college, technical college or other approved school that is located in this state or that is subject to the Minnesota-Wisconsin reciprocity agreement. The subtraction is phased out at certain income levels. Also under current law, nonresidents and part-year residents of this state may claim a prorated amount of the subtraction based on a fraction, the numerator of which is the individual's wages, income and net earnings from a trade or business that are taxable by this state and the denominator of which is the individual's total wages, income and net earnings from a trade or business. For a nonresident or part-year resident of this state, the subtraction is further limited to the total wages, income and net earnings from a trade or business taxable by this state.

INS - move to P. 176

This bill clarifies that the proration applicable to nonresidents and part-year residents of this state applies at all times and not just when the taxpayer is subject to the phaseout provisions and also changes current law such that the limitation of the credit to a claimant's total wages, income and net earnings from a trade or business taxable by this state applies to all taxpayers.

*** ANALYSIS FROM -1749/1 ***

~~TAXATION~~

~~INCOME TAXATION~~

Under current law, the state imposes an income or franchise tax on a foreign corporation doing business in this state. However, a foreign corporation may engage in certain business-related activities in this state without becoming subject to the state income or franchise tax.

This bill allows a foreign corporation to store its tangible personal property in this state and transfer possession of its tangible personal property to a person in this state, without becoming subject to the state income or franchise tax, if the other person uses the personal property for fabricating, processing, manufacturing or printing.

*** ANALYSIS FROM -0623/1 ***

[move to P. 181]

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Other
~~TAXATION~~
~~PROPERTY TAXATION~~

Under current law, the sale of time-share property is subject to the real estate transfer fee. This bill exempts from real estate transfer fees conveyances of those time-share properties that give the owner the right to use or occupy the real property during at least four separated periods over at least four years. Under current law, some, but not all, conveyances that are exempt from the real estate transfer fee are also exempt from the requirement of filing a real estate transfer return. The bill exempts from the requirement of filing a real estate transfer return these conveyances of time-share property.

The furnishing of rooms or lodging through the sale of time-share properties exempted from the real estate transfer fee by this bill is currently subject to the sales tax only if the use of the rooms or lodging is not fixed at the time of sale as to the starting date or the lodging unit and is for less than one month. This bill subjects to the sales tax all sales of time-share properties that are for less than one month, whether or not they are exempted from the real estate transfer fee by this bill, and whether or not the use of the rooms or lodging is fixed at the time of the sale.

The bill also subjects to the sales tax those charges associated with time-share property that at the time of the charges would be subject to the sales tax.

*** ANALYSIS FROM -2023/1 ***

~~TAXATION~~

PROPERTY TAXATION

Under current law, the ~~department of revenue~~ (DOR) assesses the value of taxable property in a county or taxation district. A county or taxation district may appeal DOR's assessment of the property in the county or taxation district by filing an appeal with the tax appeals commission. If the tax appeals commission determines on appeal that DOR incorrectly assessed the taxable property in a county or taxation district, the tax appeals commission may redetermine the assessment. The tax appeals commission is authorized to hear appeals of tax matters, at times and places designated by the commission, including tax matters that are small claims cases where the amount in controversy is less than \$2,500. The tax appeals commission may impose a \$1,000 penalty on a taxpayer who pursues a frivolous appeal.

Under this bill, a county or taxation district may appeal DOR's assessment of the property of the county or taxation district by filing an appeal with DOR. DOR hears the appeal and, if DOR determines that the appealed assessment is incorrect, DOR redetermines the assessment. DOR's decision on appeal may be appealed to the tax appeals commission.

Under this bill, the tax appeals commission may submit a case to summary proceedings (an alternative dispute resolution proceeding) if the amount in controversy is less than \$100,000. The bill also increases the penalty for pursuing a frivolous appeal to \$5,000 and provides that the commission may only hold hearings in any of the following places: Appleton, Eau Claire, LaCrosse, Madison, Milwaukee and Wausau.

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*** ANALYSIS FROM -1005/P4 ***

~~TAXATION~~~~PROPERTY TAXATION~~

Under current law, if a person does not pay the tax that is due on a parcel of real property before September 1, the county treasurer is required to issue a tax certificate to the county that relates to that property. The issuance of a tax certificate begins the redemption period during which the taxpayer may retain his or her property by paying the delinquent taxes. ~~In most cases, the redemption period is two years after the issuance of the tax certificate.~~ If the property is not redeemed during the redemption period, the county may acquire the property by taking a tax deed, ~~by commencing an action to foreclose the certificate or by commencing an action to foreclose the tax lien.~~ Once a county acquires title to the property, the county may ~~sell the property as directed by the county board.~~

Which is usually two years,

or by other methods.

Also under current law, if a city, village or town (municipality) acquires, through a tax delinquency proceeding, tax delinquent property that is contaminated by a hazardous substance, the municipality is generally exempt from clean-up requirements that otherwise apply to owners of property that is contaminated by a hazardous substance.

city, village or town

Under this bill if a county does not take a tax deed for property that is subject to a tax certificate and that is contaminated by a hazardous substance, within two years after the expiration of the redemption period, the county must, upon receiving a written request from the (municipality) within whose jurisdiction the property is located, acquire the property by taking a tax deed. The county may then either retain ownership of the property or, ~~if the county does not wish to retain ownership, the county must transfer ownership of the property, without consideration, to the municipality within 180 days after receiving the written request from the municipality.~~

*** ANALYSIS FROM -1431/2 ***

JK

~~TAXATION~~~~PROPERTY TAXATION~~

Under current law, a taxation district transfers its tax roll to the county or counties in which the taxation district is located. The county accepts all delinquent property taxes from the taxation district and credits the taxation district for delinquent taxes in the next tax levy. The county attempts to collect the delinquent property taxes by issuing a tax certificate. After the county issues a tax certificate, an owner of real property has two years to redeem the certificate by paying the delinquent taxes. If the taxes remain unpaid after two years, the county may record a tax deed on the property.

However, a county may cancel the delinquent taxes if the property is contaminated by a hazardous substance and the property owner agrees to clean up, maintain and monitor the property. The taxation district that transferred the relevant tax roll receives a credit on its tax levy from the county even though the county has canceled the tax.

This bill requires a county that cancels delinquent taxes to charge back to the appropriate taxation district any or all of the amount of the canceled taxes and to include that amount in the county's next tax levy against the taxation district.

*** ANALYSIS FROM -0770/3 ***

~~TAXATION~~

PJD

PROPERTY TAXATION

Under current law, a person that fails to include information on computer property that is exempt from property taxes on a report must forfeit \$10 for every \$100 that is not reported. This bill provides instead that the person forfeit \$10 for every \$1,000 that is not reported.

*** ANALYSIS FROM -0756/2 ***

~~TAXATION~~

MES

OTHER TAXATION

Under current law, computers are exempted from the general property tax paid by businesses. Also under current law, computers owned by telephone companies, which are ad valorem taxpayers, are exempted from the ad valorem tax.

This bill exempts from ad valorem taxation computers owned by other ad valorem taxpayers, such as railroads, airlines, pipeline companies, conservation and regulation companies' and municipal electric association projects.

This bill creates a personal property tax exemption for fax machines, copiers, cash registers and automated teller machines.

*** ANALYSIS FROM -1672/3 ***

~~TAXATION~~

OTHER TAXATION

Under current law, a county may adopt an ordinance to impose sales and use taxes upon county retailers. The department of revenue (DOR) collects the sales and use taxes imposed by counties. The state retains 1.5% of the sales and use taxes collected to cover the costs incurred by the state to administer, enforce and collect the taxes. DOR distributes the remaining taxes collected to the respective counties.

This bill increases, from 1.5% to 1.75%, the amount of taxes collected that are retained by the state.

*** ANALYSIS FROM -0619/1 ***

~~TAXATION~~

OTHER TAXATION

This bill changes the tobacco products tax from an occupational tax to an excise tax.

The bill permits the department of revenue (DOR) to enter into agreements with Indian tribes to provide for the refunding of the tobacco products tax imposed on tobacco products sold on reservations to enrolled members of the tribe residing on the tribal reservation. In addition, DOR is required to refund 50% of the taxes collected in respect to sales on reservations or trust lands of an Indian tribe to the tribal council of the tribe having jurisdiction over the reservation or trust land on which the sale is made. These two provisions parallel existing authority of DOR in regard to cigarette taxes.

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JK

PJD

MES

This bill also reduces from 70% to 50% the percentage of cigarette tax revenue collected in sales on reservations or trust lands that is refunded to Indian tribes.

*** ANALYSIS FROM -0764/P3 ***

TAXATION

OTHER TAXATION

Under current law, any taxpayer may petition the department of revenue (DOR) to compromise delinquent income or franchise taxes, including any applicable costs, penalties and interest. The petition must contain a sworn statement of the taxpayer, and DOR may examine the taxpayer under oath regarding the matter. If the department determines that the taxpayer is unable to pay in full the amount due, based on an examination of the taxpayer's financial statements and any other information required by DOR, the department is required to determine the amount that the taxpayer is able to pay. The department is then required to enter an order reducing the taxes, costs, penalties and interest due in accordance with its determination. The compromise is effective only if it is paid within ten days.

If within three years of the date of a compromise DOR determines that the taxpayer has an income or property sufficient to enable the taxpayer to pay the remainder of the tax, including costs, penalties and interest, the department must reopen the matter and order the payment in full of such taxes, costs, penalties and interest. Before entering the order, however, DOR must provide the taxpayer with written notice advising the taxpayer of DOR's intention and fixing a time and place for the taxpayer to appear if the taxpayer desires a hearing. After entering the order, DOR is required to make a record of the principal amount of the taxes, and penalties, costs and interest, that are ordered to be paid and such taxes are immediately due, payable and subject to interest.

Under this bill, DOR is authorized to compromise any taxes, interest, penalties and costs that are due this state and that have not yet been recorded as delinquent. The procedures that DOR is required to follow are the same as the current procedures that apply to compromises regarding delinquent income or franchise taxes, including costs, penalties and interest.

*** ANALYSIS FROM -0778/P1 ***

MES

TAXATION

OTHER TAXATION

Under current law, an annual gross earnings tax on the car line equipment of a car line company is levied at the rate of 3% of the gross earnings in this state of the company. A "car line company" is any person, other than a railroad, engaged in the business of leasing or furnishing car line equipment to a railroad and "car line equipment" is any railroad car or other equipment used in railroad transportation under a rental agreement. The gross earnings tax is levied in lieu of all property taxes on the car line equipment.

Also under current law any railroad company that operates in this state is required, upon making a payment to a car line company for the use of its cars, to withhold 3% of the amount constituting gross earnings in this state of the car line company.

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Move to
P. 182

MES

This bill changes the rate of the gross earnings tax that is levied on a car line company and the amount that a railroad company must withhold from rental payments made to a car line company ~~from 3% of gross earnings to 2.5% of gross earnings.~~

*** ANALYSIS FROM -0622/P2 ***

TAXATION

OTHER TAXATION

Under current law, delinquent sales and use tax returns are subject to a \$10 late filing fee unless the return was not timely filed because of the death of the person required to file or because of reasonable cause, but not because of neglect. This bill changes the late filing fee to \$30 for returns that are filed for periods beginning after September 30, 1999, and changes the "reasonable cause" exception to a "good cause" exception.

This increased late filing fee is equal to the late filing fee for a late employer withholding and deposit report, a late corporation franchise and income tax return and a late individual income tax return that is at least 60 days late.

*** ANALYSIS FROM -0775/P1 ***

TAXATION

OTHER TAXATION

Under current law, the department of revenue (DOR) establishes by rule the continuing education requirements and other recertification procedures and requirements for assessors and assessment personnel. Persons may be recertified by passing an examination or by attendance for 4 of the previous 5 years at annual assessor conferences called by DOR and by meeting other continuing education requirements determined by DOR. Currently, recertification is contingent upon submission of a notarized application for renewal at least 60 days before the expiration date of the current certificate.

This bill removes the requirement that the recertification application be notarized and that it be submitted at least 60 days before the expiration date of the current certificate. Also under the bill DOR may, for good cause, accept an application for renewal up to one year after the expiration of the current certificate if the applicant has complied with the current continuing education and other recertification requirements.

*** ANALYSIS FROM -1014/2 ***

TRANSPORTATION

OTHER TRANSPORTATION

Under current law, the building commission may issue revenue bonds for transportation purposes in a principal amount of \$1,348,058,900. Not more than \$1,255,499,900 of that principal amount may be used for major highway projects and other transportation facilities. The remainder of the principal amount may be used for fees and other expenses related to the revenue obligations.

This bill increases the level of revenue bonding for major highway projects and transportation administrative facilities by 14.3% (from \$1,255,499,900 to \$1,435,165,900). The bill also authorizes the building commission to contract

and \$92,559,000

Sub-Head

HIGHWAYS

PER

of which

PEN

revenue obligations in any amount to pay fees and other expenses related to the revenue obligations.

*** ANALYSIS FROM -1585/P2 ***

TRANSPORTATION

HIGHWAYS

This bill creates a scenic byways program, under which the department of transportation (DOT) may designate highways that have outstanding intrinsic value as "scenic byways". The bill allows DOT to apply for federal designation of a scenic byway as a national scenic byway, which federal designation would make the scenic byway eligible for federal aid for scenic byways.

*** ANALYSIS FROM -1024/P1 ***

TRANSPORTATION

HIGHWAYS

Under current law, outdoor advertising signs that are located along interstates and certain other highways and that advertise activities conducted on the property on which the signs are located (on-property signs) are subject to ~~current~~ restrictions as to size, number and location.

This bill prohibits the erection of on-property signs at locations that constitute traffic hazards and eliminates specific restrictions applying solely to on-property signs located outside the incorporated area of a city or village. The bill specifies that ~~permits are not required to be issued by the department of transportation (DOT) for on-property signs~~

*** ANALYSIS FROM -1738/P1 ***

TRANSPORTATION

HIGHWAYS

Under current law, highway authorities may impose special ~~of seasonal~~ weight limitations on highways that ~~because of deterioration or climatic conditions~~ would likely be seriously damaged or destroyed if such limitations were not imposed. The weight limits are effective only if weight limit notice signs are posted ~~on and along the weight-limited highway~~ ^{properly}

This bill requires the posting of advance weight limit notice signs, in addition to the weight limit notice signs, to allow motorists to avoid the weight-limited highway altogether.

*** ANALYSIS FROM -1050/P1 ***

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Current law prohibits any person from driving upon a highway any motor vehicle that exceeds the maximum permissible gross vehicle weight or the maximum permissible weight per axle. Current law allows additional weight, beyond the weight limits ordinarily applicable, for ~~vehicles transporting exclusively milk from the point of production to the primary market and the return of dairy supplies and dairy products from such primary market to the farm.~~ ^{trucks} On such a vehicle, for groups of three or more consecutive axles more than nine feet apart, an additional weight

on-property signs do not require permits

on-property signs do not require permits

more to pg. 188

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(PEN)

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of 2,000 pounds is allowed if the gross vehicle weight does not exceed 80,000 pounds. To determine the distance between axles, the distance is measured between axle centers to the nearest even foot, and when a fraction is exactly one-half foot, the nearest larger whole number shall be used. An axle measurement of eight feet, six inches is considered nine feet. Under this measurement system, ~~Only milk vehicles~~ ^{trucks} having axle measurements of nine feet, one inch or greater qualify for the additional 2,000 pound axle weight.

This bill extends the 2,000 pound weight limit ~~applicable to certain milk trucks~~ [↓] ~~vehicles having an axle distance considered to be nine feet or more.~~ [↓] With this change, milk vehicles transporting milk and having an actual axle distance of eight feet, six inches or more ~~will qualify for the additional 2,000 pounds.~~ [↓]

*** ANALYSIS FROM -1615/1 ***

~~TRANSPORTATION~~

DRIVERS AND MOTOR VEHICLES

Current law authorizes circuit courts and municipal courts to suspend or revoke a person's motor vehicle operating privilege for a variety of reasons, including failure to pay an amount ordered by the court for ordinance violations unrelated to operating a motor vehicle, such as failing to properly keep sidewalks clear of snow and ice. Suspensions and revocations for failure to pay generally last until the person pays the amount owed. The suspension and revocation orders are forwarded to ~~the~~ department of transportation (DOT), which updates the person's driving record to reflect the suspension or revocation.

violator

This bill requires DOT to charge courts a processing fee for each court order that suspends or revokes a person's operating privilege for failure to pay a forfeiture that was imposed for violating an ordinance unrelated to the violator's operation of a motor vehicle. The bill also allows courts to charge the ~~person whose operating privilege is suspended or revoked~~ ^{person} a fee in an amount not more than the fee DOT charges the court for processing the order.

*** ANALYSIS FROM -1452/1 ***

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Current law requires ~~the department of transportation (DOT)~~ to redesign motor vehicle registration plates that are issued to certain specified vehicles, primarily automobiles and light-duty trucks, or that identify the registrant as a member of an authorized special group (such as U.S. military or veteran, physically disabled, University of Wisconsin campus or natural resources). ~~Beginning with registrations effective July 1, 2000, DOT must issue the newly designed plates upon the initial registration of a specified vehicle and may issue the newly designed plates upon renewal of registration. DOT must issue newly designed plates for every specified vehicle registered in this state by July 1, 2003. Vehicle registrants must pay \$10 or \$15, depending on the type of plate, for the newly designed plates.~~

DOT must begin issuing the newly designed plates

and

This bill allows DOT until July 1, 2005, to complete the issuance of the newly designed plates. The bill also requires DOT to redesign these registration plates every six years, and to issue plates of the new design to replace plates that are six

or more years old. The bill eliminates the requirement that DOT consult with the official heads of the special groups in establishing a new design for the registration plates, but continues the requirement that DOT consult with those heads in establishing the words or symbols used to identify the special groups on the plates. The bill prohibits DOT from redesigning or reissuing "Children First" plates until January 1, 2005.

*** ANALYSIS FROM -0598/2 ***

~~TRANSPORTATION~~~~DRIVERS AND MOTOR VEHICLES~~

Under current law, if a person arrested for ~~driving~~ or operating a motor vehicle while under the influence of an intoxicant (OWI) refuses to take a test to determine the amount of alcohol in his or her blood or breath, the law enforcement officer who requested the test takes possession of the person's license. ~~The law enforcement officer then~~ prepares a notice of intent to revoke the person's operating privilege and gives a copy of the notice to the person, to the circuit court and to the district attorney. The notice informs the person of a number of items, including the right to request a court hearing to contest the revocation. The Wisconsin court of appeals, in *State v. Schoepp*, 204 Wis. 2d 266 (1996), held that a person who receives a notice of intent to revoke the person's operating privilege may utilize the full range of discovery procedures under state law, including the use of depositions and interrogatories.

This bill prohibits either party's use of discovery in these cases, except that at the hearing, before a witness testifies, the person who refuses to take the test has the right to receive a copy of any written or voice recorded statement of the witness. ~~The bill allows the court, for cause, to order the production of those statements before the hearing.~~

*** ANALYSIS FROM -1546/1 ***

~~TRANSPORTATION~~~~DRIVERS AND MOTOR VEHICLES~~

Currently, 31.29% of all moneys received by the state as a driver improvement surcharge from persons convicted of driving while under the influence of an intoxicant ~~is transferred to an appropriation account to pay for chemical testing and services.~~ The secretary of administration, after consulting with the secretaries of health and family services and transportation, the superintendent of public instruction, the attorney general and the president of the University of Wisconsin (UW) System, transfers the remaining driver improvement surcharge moneys ~~received by the state~~ to programs related to ~~drunk driving~~ such as for the purchase of breath screening devices. Under this bill, the separate 31.29% transfer is deleted and the chemical testing and services program is eligible for a funding transfer approved by the secretary of administration, after consultation, as are the other ~~drunk driving~~ related programs.

*** ANALYSIS FROM -0528/3 ***

OWI

TRANSPORTATION
DRIVERS AND MOTOR VEHICLES

Under current law, the department of transportation (DOT) may contract with third-party testers to conduct on-the-road tests for commercial motor vehicle drivers, abbreviated on-the-road tests for school bus drivers and special examinations for school bus drivers.

This bill permits DOT to contract with third-party testers to conduct on-the-road tests for noncommercial motor vehicle drivers, except on-the-road tests for authorization to operate ~~motorcycles~~ motorcycles. Third-party testers may administer an on-the-road test to any applicant who is at least 18 years of age or, if the applicant is under 18 years of age, who is enrolled in an approved driver education course taught by the third-party tester.

*** ANALYSIS FROM -2071/2 ***

TRANSPORTATION
DRIVERS AND MOTOR VEHICLES

Current law requires the department of transportation (DOT) to issue a distinctive license document to any person who is under the legal drinking age when the license was issued. Beginning on January 1, 2000, this bill requires DOT to issue a distinctive license document to any person who is under 18 years of age when the license was issued.

*** ANALYSIS FROM -1347/1 ***

TRANSPORTATION
DRIVERS AND MOTOR VEHICLES

Under current law, no person may operate a school bus unless the person possesses an endorsement issued by the department of transportation (DOT) to operate school buses. DOT is required to issue a school bus endorsement to any applicant for the endorsement who is at least 18 years of age but not more than 70 years of age and who meets the stated requirements, including passing a physical examination. A school bus endorsement is valid for the eight-year duration of the person's operator's license. DOT may, but is not required to, issue a school bus endorsement to any person who is more than 70 years of age and who annually takes and passes a physical examination and satisfies the requirements required of younger school bus operators.

This bill requires each school bus operator to pass an examination, at least once every 4 years, of his or her ability to safely operate a school bus.

*** ANALYSIS FROM -0120/P2 ***

TRANSPORTATION
DRIVERS AND MOTOR VEHICLES

1997 Wisconsin Act 84 made extensive changes to this state's laws regarding operating a motor vehicle with an operating privilege that is suspended or revoked (OAR or OWS). Most of those changes are scheduled to take effect on May 1, 2000, or sooner if the department of transportation's (DOT's) computer system can accommodate the necessary changes.

1997 Wisconsin Act 84

PEN

This bill delays the effective date of ~~those delayed changes~~ until May 1, 2001, or until DOT's computer system can accommodate the necessary changes, whichever occurs earlier. The bill specifies that DOT is not required to implement all of ~~the~~ changes simultaneously, but may establish different effective dates for those changes. The bill makes an OAR or OWS committed in another jurisdiction a minor traffic offense for purposes of determining whether the offending driver is a habitual traffic offender. Under the bill, all OAR and OWS will be treated as minor traffic offenses, without regard to where the offense was committed. + hat acts

Currently, DOT is required to revoke ~~for a period of five years~~ the operating privilege of a person determined to be a habitual traffic offender. The revocation commences on one of three dates, either on the day DOT mails the person notice of the revocation or, if the person is already suspended or revoked, on the day the person is convicted and first considered a habitual traffic offender or on the date the person surrendered his or her operator's license to begin the current revocation or suspension period. This bill makes all ~~five year~~ revocations by DOT for habitual traffic offenders begin on the date DOT mails notice of the revocation.

*** ANALYSIS FROM -0157/1 ***

TRANSPORTATION**DRIVERS AND MOTOR VEHICLES**

Under current law, ~~no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory limits on size, weight or load unless that person possesses a permit issued by the department of transportation (DOT). DOT utilizes a telephone call-in procedure through which applicants may obtain certain single trip permits authorizing a single trip upon a highway by a vehicle or combination of vehicles that exceeds the statutory limits.~~ PEN

This bill requires DOT to ~~develop and~~ implement a telephone call-in procedure through which applicants may obtain ~~certain~~ single trip, annual, consecutive month and multiple trip permits ~~authorizing the operation upon a highway of a vehicle or combination of vehicles that exceeds the statutory limits, together with the designated route of travel determined by a computerized process.~~ The bill prohibits the use of the telephone call-in procedure until the permit information is computerized to ensure inquiry capability into the data base for enforcement purposes. The bill allows DOT to suspend any permits authorizing the operation of a vehicle that exceeds statutory limits on size, weight or load if the person fails to pay required fees timely for the use of the telephone call-in procedure. to operate

~~no P~~ The bill also raises fees for certain single trip, annual, consecutive month and multiple trip permits issued by DOT by 10% beginning on January 1, 2000, and ending on June 30, 2003, after which time the fees revert to their current amounts. RPN

*** ANALYSIS FROM -0444/P1 ***

TRANSPORTATION**DRIVERS AND MOTOR VEHICLES**

Current law generally requires the applicant for a driver's license to successfully complete a driving skills test of the applicant's ability to exercise ordinary and reasonable control of a representative vehicle. A driving skills test is

also required for an endorsement authorizing the operation of a commercial motor vehicle equipped with air brakes, the transportation of passengers in a commercial motor vehicle or the operation of a school bus. The fee for a driving skills test is \$20 for a test in a commercial motor vehicle other than a school bus, and \$10 for a test in all other vehicles. This bill raises the fee for a driving skills test in a school bus and a noncommercial motor vehicle from \$10 to \$15.

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page 187

*** ANALYSIS FROM -0171/P3 ***

TRANSPORTATION
DRIVERS AND MOTOR VEHICLES

Beginning on January 1, 2000, this bill increases the fee for late payment of registration fees for registering a motor truck through use of the department of transportation's (DOT's) automated telephone registration system.

*** ANALYSIS FROM -0430/P1 ***

TRANSPORTATION
DRIVERS AND MOTOR VEHICLES

Current law authorizes financial institutions to process applications for motor vehicle title and registration and requires the financial institutions to pay a fee of \$5 for each application transmitted electronically to the department of transportation (DOT). This bill eliminates this \$5 fee.

*** ANALYSIS FROM -0435/P1 ***

TRANSPORTATION

Keep sub head → **OTHER TRANSPORTATION**

Under current law, to commence a legal action against a nonresident driver for damages arising from a motor vehicle accident in this state, the claimant must serve legal process upon the secretary of transportation as the attorney for the nonresident driver. The secretary of transportation collects a \$15 fee from the claimant for each defendant in the action, and forwards the legal process to the nonresident driver. This bill increases this service-of-process fee to \$25.

*** ANALYSIS FROM -0887/1 ***

TRANSPORTATION

Keep sub head → **TRANSPORTATION AIDS**

Under current law, the department of transportation (DOT) administers an urban mass transit operating assistance program, which provides state aid payments to local public bodies in urban areas served by mass transit systems (eligible applicants) to assist the eligible applicants with the expenses of operating those systems. An urban mass transit system is transportation by bus, shared-ride taxicab, rail, or other conveyance, either publicly or privately owned, that provides the public with general or special service on a regular and continuing basis. DOT makes state aid payments in amounts sufficient to ensure that the combination of state and federal aids contributed toward the operating expenses of an urban mass transit system equals the uniform percentage established by DOT for the class of mass transit system. The percentage varies for each of the three classes of mass

transit systems, based on state appropriations and federal aid policy, but is uniform for all mass transit systems within a class. The three classes are: 1) mass transit systems serving urban areas having a population of less than 50,000; 2) mass transit systems serving urban areas having a population of more than 50,000 but having annual operating expenses of less than \$20,000,000; and 3) mass transit systems having annual operating expenses of more than \$20,000,000.

This bill modifies the classes of mass transit systems and revises the amount of state aids payable to eligible applicants served by those systems. The bill creates two classes of mass transit systems: 1) those having operating expenses of more than \$20,000,000 (Tier A); and 2) those having operating expenses of \$20,000,000 or less (Tier B). Under the bill, the sum of state and federal aid provided to an eligible applicant served by a Tier A mass transit system may not exceed 50% of the mass transit system's projected operating expenses. The sum of state and federal aid provided to an eligible applicant served by a Tier B mass transit system may not exceed 65% of the mass transit system's projected operating expenses, except that the sum of aids provided to eligible applicants served by certain Tier B mass transit systems may not exceed 60% for calendar years 2000 and 2001.

Current law requires a local public body that receives state aid under the urban mass transit operating assistance program to pay a local contribution towards the mass transit system's operating expenses in an amount equal to at least 20% of the amount of state aid received under the program. This local contribution does not apply to local public bodies served exclusively by a shared-ride taxicab system. This bill requires all recipients to pay at least 10% of the operating expenses, regardless of the amount of state aid received under the program, except that recipients served exclusively by a shared-ride taxicab system to pay at least 5% of the system's operating expenses.

*** ANALYSIS FROM -0881/P2 ***

TRANSPORTATION

TRANSPORTATION AIDS

Under current law, ~~the department of transportation (DOT)~~ administers a general transportation aids program that makes aid payments to a county based on a share-of-costs formula, and to a municipality (city, village or town) based on the greater of a share-of-costs formula for municipalities or an aid rate per mile (\$1,596 for 1998 and thereafter).

This bill increases the aid rate per mile to \$1,644 per mile for the year 2000 and thereafter.

Beginning with general transportation aids payable for the year 2000, this bill also increases the maximum amount of aid that may be paid under the program from the current limit of \$78,744,300 to \$81,106,600 for counties, and from the current limit of \$247,739,100 to \$254,784,900 for municipalities.

*** ANALYSIS FROM -0883/P1 ***

PEN

TRANSPORTATION**TRANSPORTATION AIDS**

Under current law, the department of transportation (DOT) administers a general transportation aids program that makes aid payments to a county based on a share-of-costs formula, and to a municipality (city, village or town) based on the greater of a share-of-costs formula for municipalities or an aid rate per mile. Municipalities are guaranteed that aid amounts payable under the program will not be reduced by more than 5% annually. This bill provides that aid amounts payable under the program will not be reduced by more than 2% annually.

*** ANALYSIS FROM -0884/1 ***

general
transportation
aids**TRANSPORTATION****TRANSPORTATION AIDS**

Under current law, each city, village, town (municipality) and county is biennially required to file with the department of transportation (DOT) and the county clerk a certified plat that shows the total mileage of local public roads that will be open for travel within the following year and that the municipality or county is responsible for maintaining. A municipality or county is not required to file a plat if no roads have been added or deleted since the last plat was filed.

Under this bill, beginning in 2001, each municipality or county is required to file a certified statement that the total mileage has not changed since the last plat was filed or a plat showing the current mileage. The bill allows DOT to require all municipalities and counties to file plats in the year following a federal decennial census. The bill eliminates the requirement that plats be filed with the county clerk.

The bill requires each municipality to assess the condition of roads under its jurisdiction and report the results to DOT which must assess the accuracy of the reports by December 15, 2001, and biennially thereafter. The bill specifies that collected information pertaining to road condition is inadmissible as evidence in a legal proceeding.

*** ANALYSIS FROM -0882/1 ***

TRANSPORTATION**TRANSPORTATION AIDS**

Under current law, the department of transportation (DOT) administers a general transportation aids program that makes aid payments to a county based on a share-of-costs formula, and to a municipality (city, village or town) based on the greater of a share-of-costs formula for municipalities or an aid rate per mile (\$1,596 for 1998 and thereafter). Traffic police costs are considered under the share-of-costs formula.

This bill allows a portion of law enforcement costs to be considered under the share-of-costs formula. The bill allows DOT to establish different portions for different classes of counties or municipalities.

*** ANALYSIS FROM -0886/P1 ***

instead of highway-related traffic police costs

TRANSPORTATION**TRANSPORTATION AIDS**

Under current law, the department of transportation (DOT) administers an elderly and disabled transportation capital assistance program. Under the program, DOT annually awards grants to qualified private, nonprofit organizations and local public bodies for capital costs related to specialized vehicles and facilities used to provide transportation services to elderly and disabled persons. ~~The sum of federal and state aid may not exceed 80% of the estimated capital costs~~, which provides aid for

This bill changes the amount of aid that DOT may award under the elderly and disabled transportation capital assistance program. The amount awarded under the program may not exceed the percentage of estimated costs specified by DOT by rule or ~~for any specific type or category of equipment~~, the percentage of ~~the equipment~~ costs that are eligible for federal aid.

*** ANALYSIS FROM -1013/P1 ***

TRANSPORTATION**RAIL AND AIR TRANSPORTATION**

Under current law, ~~the department of transportation (DOT) is authorized to contract up to \$19,000,000 in public debt for the acquisition of rail property and for grants and loans awarded by DOT for certain rail property acquisitions and improvements.~~ This bill increases this authorized general obligation bonding limit from \$19,000,000 to \$23,500,000. ^{may} and improve-

*** ANALYSIS FROM -2028/2 ***

TRANSPORTATION**RAIL AND AIR TRANSPORTATION**

Under current law, ~~the department of transportation (DOT)~~, local governmental bodies, local residents or railroad companies may petition the office of the commissioner of railroads (OCR) for a determination of whether a public highway and railroad crossing (rail crossing) protects and promotes public safety. OCR may ~~investigate and determine the adequacy of the rail crossing and may order the railroad to keep flagmen at the rail crossing or to install or relocate automatic warning signals or other suitable safety device at the rail crossing.~~ The costs of installing the warning signals or safety devices are paid by DOT from the transportation fund.

This bill creates a railroad grade crossings committee ~~consisting of two members appointed by the secretary of transportation and two members appointed by OCR.~~ The bill requires the committee to review every railroad grade crossing in this state to recommend crossings for improvements. The bill ~~prohibits DOT from paying for improvements to railroad grade crossings ordered by OCR unless the committee first recommended improvements to the crossing or OCR determines that immediate improvements are necessary to protect public health.~~ generally

*** ANALYSIS FROM -1887/P1 ***

PEN

PEN

TRANSPORTATION
RAIL AND AIR TRANSPORTATION

Under ~~current law~~, the ~~department of transportation~~ (DOT) administers a freight railroad assistance program, under which DOT ~~may make~~ loans to cities, villages, towns and counties for acquiring freight railroad facilities, rehabilitating or constructing rail property improvements or to improve freight railroad infrastructure. The loans are made at the legal rate of interest of 5%, unless DOT and the borrower agree ~~in writing~~ to a different rate. *specify by rule*

This bill requires DOT to ~~promulgate a rule specifying~~ a rate of interest applicable to loans under the freight rail infrastructure program.

*** ANALYSIS FROM -1169/P1 ***

TRANSPORTATION

OTHER TRANSPORTATION

Under current law, the state is authorized to issue general obligation bonds to finance grants awarded by the department of transportation (DOT) for harbor improvements, with the principal repayment and interest payments to be made from transportation fund revenue.

This bill increases the authorized general obligation bonding limit for grants awarded by DOT for harbor improvements, from \$15,000,000 to \$18,000,000. *by 20%*

*** ANALYSIS FROM -0797/2 ***

TRANSPORTATION

OTHER TRANSPORTATION

Under current law, participants under the Wisconsin retirement system (WRS) whose principal duties involve law enforcement or fire suppression or prevention and require frequent exposure to a high degree of danger or peril and a high degree of physical conditioning are classified as protective occupation participants. Current law specifically classifies members of the state patrol and various other individuals as protective occupation participants. Under WRS, the normal retirement age of a protective occupation participant is lower than that of other participants and the percentage multiplier used to calculate retirement annuities is higher for protective occupation participants than for other participants.

This bill specifically classifies the administrator of the division of state patrol in the department of transportation (DOT) as a protective occupation participant for the purposes of WRS, if the division administrator is certified as qualified to be employed as a law enforcement officer in this state.

Also under current law, the state traffic patrol consists of not more than 385 traffic officers in the classified service. Members of the state traffic patrol are charged with enforcing and assisting in the administration of state traffic laws and have the powers of a sheriff in enforcing those laws. This bill increases the authorized number of state patrol officers from 385 to 400.

The bill also makes the administrator of the division of state patrol a member of the state traffic patrol, charged with enforcing and assisting in the administration of state traffic laws and having the powers of a sheriff in enforcing those laws and confers on the administrator the title of superintendent of the state traffic patrol if

(having the same powers and duties of other members)

insert from pg. 194

the ~~division~~ administrator is certified ~~as qualified to be employed~~ as a law enforcement officer in this state. As a member of the state traffic patrol, the administrator is entitled to receive full pay and other benefits ~~(including no reduction in sick leave credits, compensatory time for overtime accumulations or vacation)~~ during any period in which the administrator is unable to work because of an injury sustained while performing certain duties that entail a considerable risk of injury or danger.

The bill does not put the administrator of the state traffic patrol in the classified service.

*** ANALYSIS FROM -1886/P1 ***

TRANSPORTATION

OTHER TRANSPORTATION

Under current law, officers and inspectors of the state traffic patrol generally have the same powers as any peace officer, except that the officers and inspectors may not conduct criminal investigations.

~~This bill~~ authorizes officers and inspectors of the state patrol to investigate crimes. *and*

*** ANALYSIS FROM -0504/P2 ***

TRANSPORTATION

OTHER TRANSPORTATION

Under current law, the operator of an authorized emergency vehicle is exempt from certain traffic regulations, ~~including stopping, directional and speed restrictions~~, when responding to an emergency call, when in pursuit of an actual or suspected violator of the law ~~or when responding to a fire alarm~~. This exemption applies only when the operator is driving with due regard under the circumstances for the safety of all persons and, in most circumstances, is giving visual and audible signals. Conservation wardens' vehicles, whether publicly or privately owned, are authorized emergency vehicles. *water*

employees This bill ~~specifies that snowmobiles operated on state lands by department of natural resources (DNR) employees appointed to exercise DNR's law enforcement authority on state lands and that all-terrain vehicles and snowmobiles operated by conservation wardens, on or off state lands, are authorized emergency vehicles.~~ The exemption from certain traffic regulations applies only when the conservation warden or DNR employee operating the snowmobile or all-terrain vehicle is exercising due regard under the circumstances for the safety of all persons and the conservation warden or DNR employee is giving visual or audible signals. *pen*

*** ANALYSIS FROM -1162/2 ***

TRANSPORTATION

OTHER TRANSPORTATION

This bill requires the department of transportation (DOT) to award a grant of \$1,000,000 of federal transportation enhancement funds to the city of Superior for the construction of the Major Richard I. Bong air museum in Superior.

*** ANALYSIS FROM -1671/1 ***

→ RPN

VETERANS AND MILITARY AFFAIRS

Under current law, in response to a war, insurrection, rebellion, riot or invasion, in the event of a public disaster resulting from a flood, conflagration or tornado, or upon application of certain public officials, the governor may order into active service all or any portion of the national guard. Current law also includes a procedure for activating the national guard if the governor is not able to do so.

This bill allows the governor to order the national guard into active service when the governor considers that activation necessary for the protection of persons or property.

*** ANALYSIS FROM -1263/2 ***

~~VETERANS AND MILITARY AFFAIRS~~

Under current law, to be eligible for veterans benefits, a veteran must meet certain criteria, including residency in this state ~~living in the state at the time of making application for a benefit~~ and service on active duty under honorable conditions in the U.S. armed forces ~~or in forces incorporated into the U.S. armed forces, except service for training purposes~~. The veteran must also meet additional criteria. The veteran may be eligible for benefits if he or she meets certain types of service requirements, such as service in a war period or in specified conflicts, receipt of a specified service medal, such as the Vietnam service medal or if he or she served on active duty for two consecutive years or the full period of his or her initial service obligation. The veteran may also be eligible for benefits if his or her selective service local board and home at the time of going into service were in this state, if he or she was a resident of this state at the time of going into service or if he or she has been a resident for any consecutive five-year period after completing service on active duty.

Under the bill, a veteran may also be eligible for benefits if he or she was a resident of this state for any consecutive five-year period after entry, reentry, enlistment or induction into service in the U.S. armed forces and before the date of his or her application for benefits or, if applicable, before the date of his or her death.

*** ANALYSIS FROM -0729/2 ***

~~VETERANS AND MILITARY AFFAIRS~~ [restore]

Currently, ~~the department of veterans affairs~~ ^{the department of veterans affairs} DVA administers a mortgage loan program for veterans. Under the program, eligible veterans may obtain a mortgage loan for the purchase of a home or mobile home, construction of a home, home improvements, including construction of a garage, and certain refinancing related to a home purchase or construction. Under current law, the maximum loan amount for home improvements, including construction of a garage, is \$15,000. This bill changes that maximum loan amount to \$25,000.

*** ANALYSIS FROM -0722/4 ***

~~VETERANS AND MILITARY AFFAIRS~~

non disabled Currently, ~~the department of veterans affairs~~ ^{the department of veterans affairs} DVA reimburses eligible veterans for 50% ~~(100% if a disabled veteran)~~ of the tuition and fees incurred by the veteran while attending a postsecondary school as an undergraduate. This bill

under this program

raises the reimbursement rate to 65% of the tuition and fees incurred by a nondisabled veteran.

RPN
Under current law, reimbursement is only available for classes in an institution in the University of Wisconsin (UW) System or at a technical college or for classes attended by a veteran receiving a waiver of nonresident tuition. Reimbursement is limited to tuition and fees paid for 120 part-time or full-time credits ~~or 8 full semesters~~ at an institution in the UW System, or for 60 part-time or full-time credits ~~or 4 full semesters~~ at a technical college, or an equivalent amount of credits at the institution at which the veteran is receiving a waiver of tuition. This bill allows the veteran to attend any institution of higher education, including technical colleges, but requires the veteran to enroll for at least 12 credits during the semester for which reimbursement is requested.

*** ANALYSIS FROM -0726/2 ***

~~VETERANS AND MILITARY AFFAIRS~~

from DVA
Under current law, an eligible veteran who completes a correspondence course or a course as a part-time student from an institution of higher education may apply for reimbursement for part of the costs of the course. The veteran must be a resident of this state and generally only undergraduate courses are eligible for reimbursement ~~under current law~~. Currently, the course must be related to the veteran's occupational, professional or employment objectives. Under current law, the maximum reimbursement that may be paid is 50% of the tuition and fees paid for the course ~~but not more than 50% of the standard cost for a state resident for tuition and fees for an equivalent undergraduate course at the University of Wisconsin-Madison.~~

This bill increases the maximum reimbursement percentage from 50% to 65%.

*** ANALYSIS FROM -0725/3 ***

~~VETERANS AND MILITARY AFFAIRS~~

Currently, ~~the department of veterans affairs (DVA)~~ is authorized to borrow money from the veterans mortgage loan repayment fund and to enter into transactions with the state investment board to obtain money to make loans to veterans under the veterans personal loan program. ~~Under that loan program, veterans may obtain loans from DVA for certain expenditures, including the purchase of a mobile home or business, the education of the veteran and members of the veteran's family, the payment of medical or funeral expenses and the consolidation of the veteran's debts.~~ Currently, if DVA does borrow money from the veterans mortgage loan repayment fund, DVA is required to pledge the loans made under the veterans personal loan program as collateral for that borrowed money.

Under this bill, DVA is authorized to borrow money from the veterans mortgage loan repayment fund to obtain money for the veterans personal loan program, but is not required to pledge the loans made under the personal loan program as collateral for the borrowed money. ~~The bill continues to allow DVA to enter into transactions with the state investment board, to obtain money to make loans to veterans under the veterans personal loan program. However, the bill provides that transactions under that authority include direct borrowing from the state~~

transactions with

may include the sale of loans

investment board ~~and any other financial agreement agreed to by DVA and the state investment board~~

*** ANALYSIS FROM -1629/3 ***

VETERANS AND MILITARY AFFAIRS

This bill transfers some of the money received under the Indian gaming compacts to provide an American Indian services coordinator as a project position in ~~the department of veterans affairs (DVA)~~. The bill also transfers some of the money received under the Indian gaming compacts to provide grants to the governing bodies of federally recognized American Indian tribes and bands for the creation of a model program that helps American Indian overcome barriers to the receipt of federal and state veterans benefits.

*** ANALYSIS FROM -1112/1 ***

STATE GOVERNMENT

STATE FINANCE

Under current law, the state may contract public debt for the purpose of making loans to veterans for the purchase or construction of housing, for home improvements and for refinancing any existing mortgage for the purchase or construction of a home or for home improvements. Currently, the state is authorized to contract public debt in an amount not to exceed \$1,807,500,000. This bill increases this amount to \$1,918,000,000.

*** ANALYSIS FROM -0731/1 ***

VETERANS AND MILITARY AFFAIRS

Under current law, ~~the department of veterans affairs (DVA)~~ operates the Wisconsin veterans museum in Madison. The museum includes the battle flags of Wisconsin armed forces units that served in the nation's wars and other relics and mementos of those wars. This bill creates the mission of the Wisconsin veterans museum: to acknowledge, commemorate and affirm the role of Wisconsin veterans in the United States of America's military past by means of instructive exhibits and other educational programs.

*** ANALYSIS FROM -1631/7 ***

VETERANS AND MILITARY AFFAIRS

9) Currently, the national guard, within the department of military affairs (DMA), operates the Badger Challenge program, which provides programs for high school aged disadvantaged youth to help them remain in and finish their high school education. ~~The program is funded from federal money, state funds, gifts and fees.~~ This bill restricts the youth who may attend the Badger Challenge program to those who are members of families eligible to receive aid from the federal temporary assistance for needy families program. The bill removes state general purpose funding from this program and allows federal temporary assistance for needy families block grant moneys received by ~~the department of workforce development (DWD)~~ to be used to fund the operation of the Badger Challenge program.

*** ANALYSIS FROM -1831/1 ***

*to end of
Vets & Mil Affairs
pg. 198*

VETERANS AND MILITARY AFFAIRS

Under current law, only counties with a population of 100,000 or more, bank or trust companies and the commandant of the Wisconsin Veterans Home at King may be a guardian of five or more unrelated wards at one time. The commandant could only act a guardian of members of the Wisconsin Veterans Home at King and was not allowed to charge a fee for that service. This bill removes the commandant of the Wisconsin Veterans Home at King from the list of those who can be a guardian of five or more unrelated wards at one time.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

This bill will be referred to the joint survey committee on retirement systems for a detailed analysis, which will be printed as an appendix to this bill.

Because this bill concerns a conveyance of a lake bed area, the department of natural resources, as required by law, will prepare a detailed report to be printed as an appendix to this bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

(END)